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Contents

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

ACTION
PROPOSED RULES
Regulatory agenda, 14844

Advisory Council on Historic Preservation
See Historic Preservation, Advisory Council

Agency for International Development
PROPOSED RULES
Regulatory agenda, 14960

Agricultural Marketing Service
PROPOSED RULES
Cherries grown in Washington, 13842

Agriculture Department
See also Agricultural Marketing Service; Food Safety and Inspection Service
PROPOSED RULES
Regulatory agenda, 14116

Air Force Department
NOTICES
Meetings:
Scientific Advisory Board, 13859

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
Ben Lomond Mountain, CA, 13844
Regulatory agenda, 14687

Architectural and Transportation Barriers Compliance Board
PROPOSED RULES
Regulatory agenda, 14850

Army Department
NOTICES
Meetings:
Military personal property symposium, 13859

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Coast Guard
RULES
Ports and waterways safety:
Safey and security zones, etc.; list of temporary rules, 13832
PROPOSED RULES
Drawbridge operations:
Florida, 13847

Commerce Department
See also International Trade Administration; Patent and Trademark Office
PROPOSED RULES
Regulatory agenda, 14156

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Jamaica, 13858

Commodity Futures Trading Commission
PROPOSED RULES
Regulatory agenda, 15104

Comptroller of the Currency
PROPOSED RULES
Regulatory agenda, 14695

Consumer Product Safety Commission
PROPOSED RULES
Regulatory agenda, 15110
NOTICES
Meetings; Sunshine Act, 13907 (2 documents)

Customs Service
PROPOSED RULES
Regulatory agenda, 14700

Defense Department
See also Air Force Department; Army Department
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 15086
Regulatory agenda, 14206

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Sigma Chemical Co., 13883
Western Fher Laboratories, Inc., 13883

Economic Regulatory Administration
NOTICES
Natural gas exportation and importation:
Home Oil Resources Ltd., 13859
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
General Electric Co., 13859
Live Oak Cogen, Inc., 13860
Peter J. Pitchess Honor Rancho, 13861

Education Department
PROPOSED RULES
Regulatory agenda, 14222

Energy Department
See also Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission
PROPOSED RULES
Regulatory agenda, 14254

Energy Research Office
NOTICES
Meetings:
Energy Research Advisory Board, 13862

Environmental Protection Agency
PROPOSED RULES
Regulatory agenda, 14854
Water pollution control:
State underground injection control programs—
Illinois, 13848

Equal Employment Opportunity Commission
RULES
Freedom of Information Act; implementation
Uniform fee schedule and administrative guidelines, 13829
PROPOSED RULES
Regulatory agenda, 14924

Executive Office of the President
See Management and Budget Office; Presidential Documents

Export-Import Bank
NOTICES
Agency information collection activities under OMB review, 13871

Farm Credit Administration
PROPOSED RULES
Regulatory agenda, 15118

Federal Aviation Administration
NOTICES
Meetings:
Aeronautic Radio Technical Commission, 13899

Federal Communications Commission
PROPOSED RULES
Radio stations; table of assignments:
Nevada, 13849, 13850
(2 documents)
South Carolina, 13850
Tennessee, 13851
Texas, 13851
(2 documents)
Vermont, 13852
(2 documents)
Virginia et al., 13853
Washington, 13853
Regulatory agenda, 15126

Federal Deposit Insurance Corporation
PROPOSED RULES
Freedom of Information Act; implementation
Uniform fee schedule and administrative guidelines, 13843
Regulatory agenda, 15138

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
New York et al., 13838
PROPOSED RULES
Regulatory agenda, 14930
NOTICES
Disaster and emergency areas:
Massachusetts, 13872

Federal Energy Regulatory Commission
PROPOSED RULES
Regulatory agenda, 15144
NOTICES
Meetings; Sunshine Act, 13907
Preliminary permits surrender:
Shawano Hydro Associates, 13862
Summit Hydropower, 13862
Applications, hearings, determinations, etc.:
Consolidated Gas Transmission Corp., 13863
Iowa-Illinois Gas & Electric Co., 13864
Mid Louisiana Gas Co., 13865
North Little Rock, AR, 13869
Northern Natural Gas Co., 13869
Oxford, KS, 13871
Pioneer Production Corp., 13865
Snyder Oil Co., 13869
Texaco, Inc., et al., 13870
Western Gas Supply Co. et al., 13868
Western Transmission Corp., 13870
Williams Natural Gas Co., 13870

Federal Highway Administration
PROPOSED RULES
Motor carrier safety regulations:
Parts and accessories necessary for safe operations and inspection, repair, and maintenance, 13853

Federal Home Loan Bank Board
PROPOSED RULES
Regulatory agenda, 15152
NOTICES
Applications, hearings, determinations, etc.:
First Federal Savings & Loan Association of Thomson, 13872

Federal Maritime Commission
PROPOSED RULES
Regulatory agenda, 15158

Federal Mediation and Conciliation Service
PROPOSED RULES
Regulatory agenda, 14942

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 13909

Federal Reserve System
PROPOSED RULES
Regulatory agenda, 15168

Federal Trade Commission
PROPOSED RULES
Regulatory agenda, 15178

Financial Management Service
See Fiscal Service

Fiscal Service
PROPOSED RULES
Regulatory agenda, 14685

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 13880
Environmental statements; availability, etc.:
Honeoye Creek wetland project, NY, 13878
Marine mammal permit applications, 13880

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
Criminal violations; notice of proceedings, 13827
NOTICES
Meat and poultry inspection:
Retail stores exemptions; dollar limitations adjustment, 13855

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 15086
Regulatory agenda, 14944

Geological Survey
NOTICES
Meetings:
Water Data for Public Use Advisory Committee, 13861

Health and Human Services Department
See also Health Care Financing Administration; National Institutes of Health
PROPOSED RULES
Regulatory agenda, 14270
NOTICES
Federal claims collection; interest rates, 13872

Health Care Financing Administration
NOTICES
Medicare:
Labor/delivery room days in calculation of inpatient days, 13873
Provider/Reimbursement Review Board jurisdiction over challenge to apportionment of malpractice insurance costs, 13874

Historic Preservation, Advisory Council
PROPOSED RULES
Regulatory agenda, 14848

Housing and Urban Development Department
PROPOSED RULES
Regulatory agenda, 14362
NOTICES
Agency information collection activities under OMB review, 13875
Organization, functions, and authority delegations:
Assistant to Secretary for Labor Relations; liquidated damages; correction, 13875

Immigration and Naturalization Service
RULES
Immigration:
Immigration Reform and Control Act—
Adjustment to lawful permanent status by certain individuals and nationals from Cuba and Haiti, etc.; correction, 13827

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service
PROPOSED RULES
Regulatory agenda, 14404

Internal Revenue Service
PROPOSED RULES
Regulatory agenda, 14704

International Development Cooperation Agency
See Agency for International Development; Overseas Private Investment Corporation

International Trade Administration
RULES
Export licensing:
Commodity control list—
Mercury-cadmium-telluride (HgCdTe) detectors; validated license controls, 13828
NOTICES
Antidumping:
Malleable cast iron pipe fittings from—
Japan, 13855

International Trade Commission
NOTICES
Import investigations:
Fresh cut flowers from—
Peru, Kenya, and Mexico, 13882

Interstate Commerce Commission
RULES
Practice and procedure:
Rail variable cost and revenue determinations per joint rates subject to surcharge or cancellation, 13840
PROPOSED RULES
Regulatory agenda, 15188

Justice Department
See also Drug Enforcement Administration; Immigration and Naturalization Service; Parole Commission
PROPOSED RULES
Regulatory agenda, 14482

Labor Department
PROPOSED RULES
Regulatory agenda, 14494

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Coal preference right lease application—
Alabama, 13877
Opening of public lands:
Oregon, 13878
Realty actions; sales, leases, etc.:
Arizona, 13877

Management and Budget Office
PROPOSED RULES
Regulatory agenda, 14992

Merit Systems Protection Board
PROPOSED RULES
Regulatory agenda, 14964

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 15086
Regulatory agenda, 14968

National Archives and Records Administration
PROPOSED RULES
Regulatory agenda, 14976

NOTICES
Agency records schedules; availability, 13884

National Credit Union Administration
PROPOSED RULES
Regulatory agenda, 15196

National Foundation on the Arts and the Humanities
PROPOSED RULES
Regulatory agenda (National Endowment for the Arts), 14982
Regulatory agenda (National Endowment for the Humanities), 14986
NOTICES
Agency information collection activities under OMB review, 13884, 13885
(2 documents)
Meetings:
Expansion Arts Advisory Panel, 13885
Music Advisory Panel, 13886

National Institutes of Health
NOTICES
Meetings:
National Heart, Lung, and Blood Institute, 13875

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
Great Basin National Park, NV, 13881

National Science Foundation
PROPOSED RULES
Regulatory agenda, 14988
NOTICES
Agency information collection activities under OMB review, 13886

Nuclear Regulatory Commission
PROPOSED RULES
Regulatory agenda, 15204
NOTICES
Petitions; Director's decisions:
Sequoyah Fuels Corp., 13886
Applications, hearings, determinations, etc.:
Wisconsin Electric Power Co., 13886

Occupational Safety and Health Review Commission
RULES
Procedure rules; correction, 13831

Office of Management and Budget
See Management and Budget Office

Overseas Private Investment Corporation
NOTICES
Meetings; Sunshine Act, 13910

Panama Canal Commission
PROPOSED RULES
Regulatory agenda, 15018

Parole Commission
NOTICES
Meetings; Sunshine Act, 13909

Patent and Trademark Office
RULES
Patent cases:
Patent interference cases; arbitration, 13833

Peace Corps
PROPOSED RULES
Regulatory agenda, 15022

Pennsylvania Avenue Development Corporation
PROPOSED RULES
Regulatory agenda, 15026

Pension Benefit Guaranty Corporation
PROPOSED RULES
Regulatory agenda, 15028

Personnel Management Office
PROPOSED RULES
Regulatory agenda, 14998
NOTICES
Agency information collection activities under OMB review, 13889, 13890
(4 documents)
Educational requirements, minimum:
Soil conservation series, 13888

Presidential Documents
PROCLAMATIONS
Special observances:
Defense Transportation Day, National, and National Transportation Week (Proc. 5636), 13823
Department of Labor, Seventy-fifth Anniversary Year (Proc. 5637), 13825

Public Health Service
See National Institutes of Health

Railroad Retirement Board
PROPOSED RULES
Regulatory agenda, 15038

Regulatory Information Service Center
PROPOSED RULES
Unified agenda of Federal regulations, 14112

Securities and Exchange Commission
PROPOSED RULES
Regulatory agenda, 15230
NOTICES
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 13890
National Association of Securities Dealers, Inc., 13891
New York Stock Exchange, Inc., 13894
Philadelphia Stock Exchange, Inc., 13896
Applications, hearings, determinations, etc.:
Santa Barbara Funding II, Inc., 13897

Selective Service System
PROPOSED RULES
Regulatory agenda, 15046

Small Business Administration
PROPOSED RULES
Regulatory agenda, 15048
NOTICES
Disaster loan areas:
Maine, 13898

New Hampshire, 13899
Meetings; regional advisory councils:
Oregon, 13899
Puerto Rico, 13899

State Department
PROPOSED RULES
Regulatory agenda, 14544

Tennessee Valley Authority
PROPOSED RULES
Regulatory agenda, 15058

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Urban Mass Transportation Administration
PROPOSED RULES
Regulatory agenda, 14548

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Comptroller of the Currency; Customs Service; Fiscal Service; Internal Revenue Service
PROPOSED RULES
Regulatory agenda, 14682

United States Information Agency
NOTICES
Grants; availability, etc.:
Private non-profit organizations in support of international educational and cultural activities, 13906

Urban Mass Transportation Administration
NOTICES
Grants and cooperative agreements:
Section 9 operating assistance limitations and Section 16(b)(2) funds apportionment, 13899

Veterans Administration
PROPOSED RULES
Regulatory agenda, 15062
NOTICES
Agency information collection activities under OMB review, 13906

Separate Parts In This Issue

Parts II-LVI
Unified Agenda of Federal Regulations (60 departments and agencies—Books 1 and 2 of this issue), 14112

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR
Proclamations:
5636.....13823
5637.....13825

7 CFR
Proposed Rules:
923.....13842

8 CFR
245.....13827

9 CFR
335.....13827

12 CFR
Proposed Rules:
309.....13843

15 CFR
399.....13828

27 CFR
Proposed Rules:
9.....13844

29 CFR
1610.....13829
2200.....13831

33 CFR
100.....13832
165.....13832
Proposed Rules:
117.....13847

37 CFR
1.....13833

40 CFR
Proposed Rules:
147.....13848

44 CFR
64.....13838

47 CFR
Proposed Rules:
73 (10 docs.).....13849–13853

49 CFR
1138.....13840
Proposed Rules:
393.....13853
396.....13853

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

Presidential Documents

Title 3—

The President

Proclamation 5636 of April 23, 1987

National Defense Transportation Day and National Transportation Week, 1987

By the President of the United States of America

A Proclamation

Throughout our history, the building and improvement of transportation links have been vital to the exploration and settlement of our country and to the development of its commerce. We can all be grateful that these processes have never ceased and that the spirit of enterprise that motivated early American pioneers still thrives today.

During the early decades of our Republic, planners, engineers, and workmen built the Cumberland Road from western Maryland to central Illinois. This road started what was to become a vast, 42,000-mile network of interstate and defense highways across the United States.

Other notable undertakings illustrate the evolution of Americans' mobility. By 1825, the Erie Canal opened the Great Lakes to commerce; its success spurred a huge inland waterway system, including the St. Lawrence Seaway. By 1850, more than a thousand steamboats plied our rivers, and clipper ships came to dominate trade with China. By 1869, the transcontinental railroad was completed. Technological advances of the late 19th and early 20th centuries brought the automobile and the airplane, and further developments resulted in space flight.

Our land, water, and air transportation systems provide us with fast, efficient, and safe personal and commercial travel. They are vital not only to our economy and our personal mobility, but also to the defense of our Nation. Our ability to transport people and materials in time of emergency is a critical aspect of our national security.

In recognition of the importance of transportation and of the millions of Americans who serve and supply our transportation needs, the Congress has requested, by joint resolution approved May 16, 1957 (36 U.S.C. 160), that the third Friday in May of each year be designated as "National Defense Transportation Day"; and by joint resolution approved May 14, 1962 (36 U.S.C. 166), that the week in which that Friday falls be proclaimed "National Transportation Week."

NOW, THEREFORE, I, RONALD REGAN, President of the United States of America, do hereby proclaim Friday, May 15, 1987, as National Defense Transportation Day and the week of May 10 through May 16, 1987, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies that will give full recognition to the importance of our transportation system to this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-9544
Filed 4-23-87; 2:45 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5637 of April 23, 1987

Seventy-fifth Anniversary Year of the Department of Labor

By the President of the United States of America

A Proclamation

March 4, 1988, will be the seventy-fifth anniversary of President William Howard Taft's signing into law an act establishing the United States Department of Labor. In celebrating this milestone, we honor both the mandate of this ninth Executive department and the men and women who have made that mandate a reality through the years.

Recognition of the need for a Department of Labor began in the late 19th and early 20th centuries. Labor organizations such as the Knights of Labor and the American Federation of Labor (AFL) urged the creation of a Federal department to deal with matters affecting working people. A Bureau of Labor was established in the Department of the Interior in 1884. This Bureau was made an independent, but not Executive-rank, Department of Labor in 1888. When the Department of Commerce and Labor was created in 1903, the Department of Labor returned to bureau status within it. The famed labor leader Samuel Gompers and others then campaigned for a Cabinet-level Department of Labor.

That campaign bore fruit with President Taft's bill-signing in 1913. The mandate of the Department of Labor was "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions and to advance their opportunities for profitable employment." That immense task has inspired the Department ever since.

The Department has fulfilled its duties during war and peace, during depression and prosperity. Through the years, the Department of Labor has improved the lives of working people and benefited all Americans through its contributions to the success of our economy.

Among other tasks, the Department helps workers find and train for jobs; monitors changes in employment, prices, and other economic measures; oversees the broad range of working conditions and safeguards working people's rights; assures and strengthens collective bargaining; and ensures freedom from discrimination. Seeking to help business and industry achieve economic growth and stability, the Department also promotes cooperative relationships between labor and management and encourages collaborative efforts with trade unions and employer organizations.

The Department has played a significant international role as well, cultivating understanding among labor organizations throughout the world and fostering free unions and efficient governmental labor institutions in other nations.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the year 1988 as United States Department of Labor Seventy-fifth Anniversary Year. I call upon the people of the United States to observe this Anniversary Year with appropriate programs, ceremonies, and activities. In order to enhance participation in this important observance, I call upon the Secretary of Labor to establish an Honorary Committee for the Department of Labor Seventy-fifth Anniversary Year, and to invite all living former Secretaries of Labor and the Presidents of the AFL–CIO and the Chamber of Commerce to act as Co-Chairs of the Committee. I also call upon the Secretary to invite other distinguished persons to serve as Committee members, including representatives of the Congress, labor, management, and academia.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-9545
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Rules and Regulations

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245

[INS No. 1003-87]

Adjustment of Status to That of Persons Admitted for Lawful Permanent Residence; Creation of Records of Lawful Admission for Permanent Residence; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments; correction.

SUMMARY: This document corrects a legal citation contained in interim regulations implementing Cuban/Haitian adjustment provisions of Pub. L. 99-603 which were published March 3, 1987 (52 FR 6320).

FOR FURTHER INFORMATION CONTACT: Joseph D. Cuddihy, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone (202) 663-3320.

§ 245.6 [Amended]

In FR Doc. 87-4356 published Tuesday, March 3, 1987, on page 6322, column 2 under § 245.6(c)(3), the reference "243(h)" is corrected to read "243(h)(2)".

Dated: April 21, 1987.

Richard E. Norton,

Associate Commissioner, Examinations.

[FR Doc. 87-9395 Filed 4-24-87; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 335

[Docket No. 86-048I]

Meat and Poultry Inspection; Criminal Violations Proceedings; Request for Comments

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Federal meat inspection regulations by adding a new Subpart E to Part 335, responding to a change made to the Federal Meat Inspection Act (FMIA) as part of the Processed Products Improvement Act of 1986 (Title IV of the Futures Trading Act of 1986). The amendment to the FMIA addressed by the interim rule provides that before a violation of the FMIA is reported by the Secretary to the Department of Justice for prosecution, the Secretary will give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and will give the suspected violator an opportunity to present the violator's views to the Secretary. This new provision also authorizes the Secretary to exempt by regulation certain kinds of criminal violations from the prior notice requirement.

This interim rule: (1) Acknowledges that notice and an opportunity to present views will be afforded suspected violators of the FMIA; and (2) outlines categories of criminal violations where prior notice of intended prosecution will not be given.

DATES: Interim rule effective April 27, 1987. Comments must be received on or before June 26, 1987.

ADDRESS: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, Room 3168, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under "Supplementary Information.")

FOR FURTHER INFORMATION CONTACT: Robert W. Gonter, Assistant Deputy Administrator, Compliance Program, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effect on Small Entities

The Administrator of the Food Safety and Inspection Service (FSIS) has determined that immediate implementation of this rule, on an interim basis, is necessary since the notice and opportunity to present views provision is already in effect and affects criminal investigations that were in progress at the time the amendment was passed. The ability of the Department to protect the public by investigating and prosecuting suspected violators of the FMIA could be compromised in certain situations without publication of this interim rule.

The determinations required by Executive Order 12291 and the Regulatory Flexibility Act can not be practicably made at this time. The interim rule deals with criminal investigative and enforcement procedures and, as such, does not appear at this time to have the type of impact which is of concern under the Executive Order and the Regulatory Flexibility Act. In any event, the required determinations will be made prior to publication of the final rule.

Pursuant to the provisions for emergency rules in section 8 of the Executive Order and 5 U.S.C. 608, the Administrator has determined that there is an immediate need to publish this interim rule to protect ongoing criminal investigations.

Comments

Interested persons are invited to submit comments concerning this action. Written comments should be sent in duplicate to the Policy Office and should refer to the docket number located in the heading of this document. Comments submitted will be available for public inspection in the Policy Office between 9 a.m. and 4 p.m., Monday through Friday.

Background

Under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Secretary has responsibility to assure consumers that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged.

In this regard, the FMIA provides that certain violations of the Act will subject persons, firms, and corporations to criminal sanctions unless, as provided by section 406(b) of the FMIA (21 U.S.C. 676(b)), the violations are minor and the Secretary determines that the public interest would be adequately served by a suitable written notice of warning.

Section 403(c)(2) of the Processed Products Improvement Act (Title IV of the Futures Trading Act of 1986 (Pub. L. 99-641)) added new section 406(c) to the FMIA. The new section requires that the Secretary give reasonable notice and an opportunity to present views to persons suspected of having violated the FMIA, prior to the Secretary's referral of charges to the Department of Justice for criminal prosecution. The new section also authorizes the Secretary to make exceptions by regulation to the prior notice requirement.

Because section 406(c) of the FMIA is already in effect, prompt issuance of regulations to implement it are essential in order to protect certain ongoing and future criminal investigations and cases. This is particularly important with regard to identifying the specific exceptions to the requirement of notice and opportunity to present views. Therefore, the Administrator of FSIS is amending Part 335 of the Code of Federal Regulations by adding a new Subpart E entitled "Criminal Violations."

Description of Interim Rule on Notice of Proceedings and Opportunity for Presentation of Views

The interim rule provides that persons, firms, and corporations suspected of violating the FMIA will be provided reasonable notice that USDA intends to report such violations to the Department of Justice for prosecution in a criminal proceeding, and that they have an opportunity to present to USDA views with respect to such proceeding. The notice will summarize the suspected violations and will inform the suspected violator that the violator has a specified number of days from receipt of the letter in which to respond, orally or in writing, to the Director, Evaluation and Enforcement Division, Compliance Program, FSIS. The notice will be sent by registered or certified mail. All views presented in response to and in accord with the notice will be considered before reporting the violations for prosecution, and all documentation of such views will be incorporated into the Department's official record in the matter.

The interim final rule also identifies five situations in which there are compelling public interests that preclude the giving of notice and an opportunity to present views prior to the reporting of suspected violations for criminal prosecution. Briefly, the five exceptions are:

(1) When there is the possibility for destruction or alteration of evidence, or where disclosure could result in injury to persons or property.

(2) When there is the possibility of flight of a suspected violator to avoid prosecution.

(3) When there is the possibility of the compromise of special investigative techniques, such as undercover or other covert operations.

(4) When the impending referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) When the impending referral for prosecution is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

These exceptions are limited to protecting life or property and are addressed to situations where giving notice would compromise certain investigations and negatively affect the Department's investigative and enforcement program.

List of Subjects in 9 CFR Part 335

Meat inspection, Withdrawal of inspection, Administrative practice and procedure, Criminal violations, Criminal procedure.

PART 335—[AMENDED]

Part 335 is amended by adding a new Subpart E to read as follows:

Subpart E—Criminal Violations

Sec.

335.40 Opportunity for presentation of views before report of criminal violations.

Subpart E—Criminal Violations

Authority: Section 406, Pub. L. 99-641, 100 Stat. 3571; 21 U.S.C. 606 note.

§ 335.40 Opportunity for presentation of views before report of criminal violations.

(a) Except as provided in paragraphs (a)(1) through (5) of this section, before any violation of the Federal Meat Inspection Act is reported to the Department of Justice by the Secretary for criminal prosecution the Secretary must give reasonable notice to the suspected violator that the Secretary intends to report the violation for prosecution and give the suspected violator an opportunity to present the violator's views to the Secretary with respect to such proceeding.

(1) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in the alteration or destruction of evidence, or where disclosure could result in injury to persons or property.

(2) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in flight of a suspected violator to avoid prosecution.

(3) Notice and opportunity need not be provided if the Secretary has any reason to believe that providing such notice and opportunity could result in compromising special investigative techniques, such as undercover or other covert operations.

(4) Notice and opportunity need not be provided when the impending criminal referral involves suspicion of bribery and related offenses, or clandestine slaughtering and/or processing operations.

(5) Notice and opportunity need not be provided when the impending referral is part of an investigation involving non-Act violations, and the Act and non-Act violations are jointly referred for prosecution.

(b) A notice of opportunity to present views will be sent by registered or certified mail, summarize the violations that constitute the basis of the contemplated prosecution, and describe the procedures for presentation of views. Any information given by a respondent, orally or in writing, shall become part of the Department's official record concerning the matter. The Department is under no obligation to disclose evidence to the suspected violator.

Done at Washington, DC, on: April 21, 1987.

Peter C. Myers,

Acting Secretary, U.S. Department of Agriculture.

[FR Doc. 87-9456 Filed 4-24-87; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Docket No. 70361-7061]

Mercury-Cadmium-Telluride (HgCdTe) Detectors; Validated License Requirements

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains the Commodity Control List (CCL), which identifies those items subject to Department of Commerce export controls.

This rule amends the validated license controls on certain photosensitive components described in entry 1548A of the CCL in accordance with a finding of foreign availability under section 5(f) of the Export Administration Act of 1979, as amended.

Single-element, encapsulated mercury-cadmium-telluride (HgCdTe) uncooled (295 degrees K ambient temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode photo detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers no longer require a validated license for export except to destinations in Country Groups S and Z. Such detectors are now controlled under entry 6599G of the CCL.

Notice of the foreign availability determination on this equipment has been previously published (51 FR 37469, October 22, 1986). Regulations that eliminated the validated license requirements for exports and reexports of this equipment to free world destinations were published on November 5, 1986 (51 FR 40159).

EFFECTIVE DATE: This rule is effective April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Robert Lerner, Office of Foreign Availability, Department of Commerce, Washington, DC 20230, Telephone: (202) 377–5953.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule mentions a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0625–0001.

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 99–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757), July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 (October 2, 1986); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

§ 399.1 Supplement No. 1, Group 5 [Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1548A is amended by revising the *Validated License Required* paragraph; by replacing the period at the end of Note 2, paragraph (b)(3), with a semicolon; and by adding a paragraph (c) to Note 2, as follows:

1548A Photosensitive components, including linear and focal plane arrays, and dice and wafers therefor.

Controls for ECCN 1548A

* * * * *

Validated License Required: Country Groups QSTVWYZ.

* * * * *

List of Photosensitive Components and Dice and Wafers Therefor Controlled by ECCN 1548A

* * * * *

Note 2: * * *

(c) Single-element, encapsulated mercury-cadmium-telluride (HgCdTe) uncooled (295 K ambient temperature operation) photoelectro-magnetic (PEM) or photoconductive (PC) mode photo detectors with a peak sensitivity at a wavelength shorter than 11,000 nanometers.

Dated: April 22, 1987.

Dan Hoydysh,

Acting Director, Office of Technology and Policy Analysis.

[FR Doc. 87–9426 Filed 4–24 87; 8:45 am]

BILLING CODE 3510–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1610

Availability of Records; Production or Disclosure Under 5 U.S.C. 552

AGENCY: Equal Employment Opportunity Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Equal Employment Opportunity Commission is publishing an Interim Final Rule amending its Freedom of Information Act regulation (29 CFR Part 1610) to implement certain provisions of the Freedom of Information Reform Act of 1986, Pub. L. No. 99–570. The amendment establishes FOIA fee schedules and guidelines for when FOIA fees shall be reduced or waived.

EFFECTIVE DATE: April 27, 1987. Written comments on the interim final rule must be received on or before May 27, 1987.

ADDRESS: Comments should be addressed to the Office of Executive Secretariat, Room 507, Equal Employment Opportunity Commission, 2401 E Street NW., Washington, DC 20507. Copies of comments submitted by the public will be available for review at the Commission's Library, Room 298, 2401 E Street NW., Washington, DC 20507, between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel or Kathleen Oram, Staff Attorney (202) 634–6690.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986, Pub. L. No. 99–570 was signed into law on October 27, 1986. The Act provides that amendments to the fee and fee waiver provisions become effective on April 27, 1987. In conformity with the Freedom of Information Reform Act the Commission amends Part 1610 of its regulations as follows: To revise the FOIA fee waiver standard, to provide for charging for the cost of review in certain instances, to prohibit charging fees if the costs of collecting and processing a fee are likely to equal or exceed the amount of the fee, to prohibit charging for the first two hours of search time and first 100 pages of duplication for certain noncommercial requests, to prohibit charging for any search or review time or the first 100 pages of duplication for requests made by educational or noncommercial scientific institutions or representatives of the news media, and to prohibit requiring advance payment of fees unless the requester has previously failed to pay fees in a timely fashion, or the EEOC has determined the fee will exceed $250. The amendments establish three categories of requests for the purpose of assessing fees: requests for commercial use, noncommercial requests made by educational or noncommercial scientific institutions or representatives of the news media and all other requests. In addition, Part 1610 is amended in accordance with the Office of Management and Budget's Guidelines, 52 FR 10012 (March 27, 1987) to provide that interest may be charged those requesters who fail to pay fees charged.

To accomplish these changes, the Commission amends §§ 1610.1, 1610.14, 1610.15 and 1610.16.

List of Subjects in 29 CFR Part 1610

Freedom of information.

Accordingly, Part 1610 is amended as follows.

For the Commission.

Clarence Thomas,

Chairman.

PART 1610—[AMENDED]

1. The authority citation is revised to read as follows:

Authority: Sec. 713(a), 78 Stat. 265, 42 U.S.C. 2000e–12(a), 5 U.S.C. 552, as amended by Pub. L. 93–502 and Pub. L. 99–570; for sec. 1610.15, nonsearch or copy portions are issued under 31 U.S.C. 483a.

2. Section 1610.1 is amended to add a new paragraph (d) as follows:

§ 1610.1 Definitions.

* * * * *

(d) "Commercial use" refers to a use or purpose by the requester of information for the information that furthers the requester's commercial, trade or profit interests. Requests for charge files by profit-making entities, other than educational and noncommercial scientific institutions and representatives of the new media, shall be considered for commercial use unless the request demonstrates a noncommercial use.

3. Section 1610.14 is revised to read as follows:

§ 1610.14 Waiver of user charges.

(a) Except as provided in paragraph (b) of this section the Deputy Legal Counsel or designee and regional attorneys shall assess fees where applicable in accordance with § 1610.15 for search, review and duplication of records requested. They shall also have authority to furnish documents without any charge or at a reduced charge if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b) District and area directors and the librarian are hereby authorized to collect fees where applicable in accordance with § 1610.15 for duplication of records which are to be made available for public inspection and copying in the district or area office, or in the headquarters library in accordance with § 1610.4(b). District and area directors and the librarian are hereby authorized to duplicate such records without charge, or at a reduced charge in accordance with the criteria of paragraph (a) of this section.

4. Section 1610.15 is revised as follows:

§ 1610.15 Schedule of fees and method of payment for services rendered.

(a) Fees shall be assessed in accordance with the fee schedule set forth in paragraph (c) of this section as follows:

(1) When records are requested for commercial use, the Commission shall charge the full amount of its direct costs for document search, review and duplication. The Commission shall not charge for review at the administrative appeal level of an exemption already applied.

(2) When records are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, or a representative of the news media, the Commission shall charge the direct costs of document duplication after the first 100 pages. The first 100 pages of duplication under paragraph (a)(2) shall be provided without charge.

(3) For all other record requests not falling under paragraph (a) (1) or (2) of this section, the Commission shall charge the direct costs for document search time after the first two hours and the direct costs for document duplication after the first 100 pages. The first two hours of search time and the first 100 pages of duplication under paragraph (a)(3) shall be provided without charge.

(b) When the Commission reasonably believes that a requester or group of requesters is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, the Commission shall aggregate any such requests and charge accordingly.

(c) Except as otherwise provided, the following specific fees for direct costs shall be applicable with respect to services rendered to members of the public under this subpart:

(1) For actual search and review time by clerical personnel—at the rate of $7.00 per hour.

(2) For actual search and review time by professional personnel—at the rate of $17.00 per hour.

(3) For copies made by photocopying machine—$.15 per page (maximum of 10 copies).

(4) For attestation of such record as a true copy—$.75 per document.

(5) For certification of each record as a true copy, under the seal of the agency—$1.00.

(6) For each signed statement of negative result of search for record—$1.00.

(7) All other direct costs of search, review, duplication or delivery (other than normal mail), including computer search time, runs and operator salary shall be charged to the requester as appropriate in the same amount as incurred by the agency.

(d) The Commission shall not charge a fee if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee.

(e) The Commission shall charge interest at the rate prescribed in 31 U.S.C. 3717, accruing from the date of billing, to those requesters who fail to pay fees charged beginning on the 31st

day following the day on which the billing was sent.

(f) While the fees charged for search and copying will in no event exceed those specified in paragraph (c) of this section, the Commission reserves the right to limit the number of copies that will be provided of any document or to requrie that special arrangements for copying be made in the case of records or requests presenting unusual problems of reproduction or handling.

§ 1610.16 [Amended]

5. Section 1610.16(a) is amended by replacing the phrase "$50.00" with the phrase "$25.00" each time it occurs.

6. Section 1610.16(c) is revised to read as follows:

§ 1610.16 Payment of fees.

* * * * *

(c) The Commission shall require payment in full prior to the commencement or continuation of work on a request if:

(1) It estimates or determines that the allowable charges will exceed $250, unless the requester has a history of prompt payment of FOIA fees, in which case the Commission may obtain satisfactory assurance of prompt payment; or

(2) The requester has previously failed to pay fees within 30 days of the date of billing.

[FR Doc. 87-9398 Filed 4-24-87; 8:45 am]

BILLING CODE 6570-06-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure; Correction

AGENCY: Occupational Safety and Health Review Commission (OSHRC).

ACTION: Final rule; correction.

SUMMARY: OSHRC is correcting errors in its revised Rules of Procedure, which appeared in the Federal Register on September 8, 1986 (51 FR 32002).

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, (202) 634-4015.

SUPPLEMENTARY INFORMATION: OSHRC has completely revised Subparts A through G of Part 2200—*Rules of Procedure.* These are the rules that govern conventional proceedings before the Commission and its Administrative Law Judges. The final rules contained errors that are corrected by this notice. Only one of these corrections warrants any discussion. Paragraphs (b) and (d) of § 2200.8 are revised to make clear that filing by personal delivery is an acceptable alternative to filing by first class mail and that the date of personal delivery is the filing date.

The following corrections are made in the rules of procedure published in the Federal Register on September 8, 1987 (51 FR 32002):

PART 2200—[AMENDED]

1. Section 2200.108, as listed in the Table of Contents on page 32016, column 1, is revised to read as follows:

2200.108 Official Seal of the Occupational Safety and health Review Commission.

§ 2200.5 [Corrected]

2. On page 32016, column, 3, line 5 of § 2200.5, change "writing, but in" to "writing but, in".

§ 2200.6 [Corrected]

3. On page 32016, column 3, line 4 of § 2200.6, remove the comma between "representative" and "or".

4. On page 32017, column 1, line 2, in § 2200.6, insert a comma between "Judge" and "or".

§ 2200.7 [Corrected]

5. On page 32017, § 2200.7(g), in column 2, lines 12 and 13, change "This notice should" to "Any notice of intent to participate should".

6. On page 32017, in § 2200.7(g), in column 2, the address stated at lines 13 through 15, is revised to read as follows: Occupational Safety and Health Review Commission, Office of the Executive Secretary, 1825 K Street, NW., Washington, DC 20006-1246.

§ 2200.8 [Amended]

7. Paragraph (b) of § 2200.8, the fifth full paragraph in the third column on page 32017, which reads, "(b) *How to file.* Unless otherwise ordered, all filing may be accomplished by first class mail." is revised to read as follows:

(b) *How to file.* Unless otherwise ordered, all filing may be accomplished by postage-prepaid first class mail or by personal delivery."

8. Paragraph (d) of § 2200.8, the seventh full paragraph in the third column on page 32017, which reads, "(d) *Filing date.* Filing is deemed effected at the time of mailing, except petitions for discretionary review are deemed to be filed at the time of receipt. See § 2200.91." is revised to read as follows:

(d) *Filing date.* Filing is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery), except that petitions for discretionary review are deemed to be filed at the time of receipt. See § 2200.91.

§ 2200.9 [Corrected]

9. On page 32017, column 3, line 6 of § 2200.9, change "fact, or both, or" to "factor " by removing "or both" and the commas surrounding "or both".

10. On page 32017, column 3, line 7 of § 2200.9, change "justice and" to "justice or".

§ 2200.11 [Corrected]

11. On page 32018, column 1, line 2 of § 2200.11(b), delete the comma at the end of the line, following "privileged".

12. On page 32018, column 1, line 14 of § 2200.11(b) change "order, or motions that" to "order or by a motion that".

§ 2200.12 [Corrected]

13. On page 32018, column 3, lines 10 and 11 of § 2200.12(a)(2), eliminate the space between "(ALJ)" and "(digest)" so that it reads as follows: "(ALJ) (digest)".

§ 2200.22 [Corrected]

14. On page 32019, column 2, in § 2200.22(b), revise the last sentence reading "See § 2200.20(c)." to "See paragraph (c) of this section."

§ 2200.32 [Corrected]

15. On page 32020, column, 1, line 33 of § 2200.32, insert a comma between "belief" and "formed".

§ 2200.33 [Corrected]

16. On page 32020, column 2, line 4, in § 2200.33, change "employer" to "contesting party".

§ 2200.34 [Corrected]

17. Paragraph (c) of § 2200.34, the third full paragraph in the second column on page 32020, which reads, "(c) *Order to file amended complaint.* In response to a motion for more definite statement, the Secretary may be ordered to file an amended complaint. The order will require the Secretary to supply such additional information or further particularization of the complaint's allegations as the Commission or the Judge deems necessary." is revised to read as follows:

"(c) *Order to file amended complaint.* In response to a motion for more definite statement, the Secretary may be ordered to file an amended complaint supplying such additional information or further particularization of the complaint's allegations as will enable the employer to frame a responsive answer to the allegations of the complaint."

§ 2200.35 [Corrected]

18. On page 32020, column 3, line 3 of § 2200.35(b)(2), change "applies" to "applied".

19. On page 32020, column 3, line 2 of § 2200.35(b)(6), change "violation is

serious, or" to "violation was serious or".

20. On page 32021, column 1, line 24, in § 2200.35(d) the last sentence, change "the feasible" to "a feasible".

21. On page 32021, column 1, line 8 of § 2200.35(e), remove the comma between "proposed" and "and".

§ 2200.37 [Corrected]

22. On page 32021, column, 3, lines 1 and 2 of § 2200.37(d)(1), change "The petition, citation and objections shall be forwarded to the Commission" to "The Secretary shall forward the petition, citation and any objections to the Commission."

23. On page 32022, column 1, lines 7 and 8 of § 2200.37(d)(4), change "opposing the granting of a modification date different from that requested" to "opposing the abatement date requested".

§ 2200.40 [Corrected]

24. On page 32022, column 2, line 7 of § 2200.40(c), change "response. A party" to "response; a party".

§ 2200.41 [Corrected]

25. On page 32022, column 2, add the following reference at the end of § 2200.41(b): "See § 2200.90(b)(3)."

§ 2200.51 [Corrected]

26. On page 32022, column 3, line 18, in § 2200.51, change "called and the" to "called, the".

§ 2200.52 [Corrected]

27. On page 32022, column 3, line 3 of § 2200.52(b), change "matter not" to "matter that is not".

28. On page 32022, column 3, line 6 of § 2200.52(b), change "for the objection" to "for objection".

29. On page 32023, column 1, line 1, in § 2200.52(b), change "that information" to "the information".

30. On page 32023, column 1, line 12 of § 2200.52(e), insert a comma between "Judge" and "after".

§ 2200.56 [Corrected]

31. On page 32024, column 2, line 2 of § 2200.56(d), remove the comma between "reporter" and "and".

§ 2200.57 [Corrected]

32. On page 32024, column 2, lines 11 and 12 of § 2200.57(b), change "Commission, as the case may be, shall" to "Commission shall".

§ 2200.60 [Corrected]

33. On page 32024, column 3, line 10 of § 2200.60, change "days notice" to "days' notice".

§ 2200.62 [Corrected]

34. On page 32024, column 3, line 2 of § 2200.62(a), change "at" to "on".

§ 2200.64 [Corrected]

35. On page 32025, column 1, add the following reference at the end of § 2200.64(b): "See § 2200.90(b)(3)."

§ 2200.70 [Corrected]

36. On page 32026, column 1, line 8 of § 2200.70(e), change "upon" to "after".

§ 2200.90 [Corrected]

37. On page 32027, column 1, line 6 of § 2200.90(c), remove the comma between "report" and "all".

§ 2200.91 [Corrected]

38. On page 32027, column 2, line 12 of § 2200.91(d), change "policy" to "precedent".

§ 2200.95 [Corrected]

39. On page 32028, column 2, line 3 of § 2200.95(b), change "agrument" to "argument".

§ 2200.101 [Corrected]

40. On page 32029, column 2, line 3, in § 2200.101(c)(2), insert a comma between "and" and "without".

41. On page 32029, column 2, line 7, in § 2200.101(c)(2), insert a comma between "authority" and "be".

42. On page 32029, column 2, lines 12 and 13, in § 2200.101(c)(2), change "discussions, and the failure" to "discussions. The failure".

43. On page 32029, column 2, line 7 of § 2200.101(d)(1), insert a comma between "request" and "and".

§ 2200.102 [Corrected]

44. On page 32029, column 3, line 3 of § 2200.102, change "and petition" to "or petition".

45. On page 32029, column 3, line 11 of § 2200.102, change "in manner" to "in the manner".

46. The heading of § 2200.108 on page 32030, column 3, is revised to read as follows:

§ 2200.108 Official Seal of the Occupational Safety and Health Review Commission.

Dated: April 20, 1987.

E. Ross Buckley,

Chairman.

John R. Wall,

Commissioner.

[FR Doc. 87-9277 Filed 4-24-87; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 87-028]

List of Temporary Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and special local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety Zones are established around areas where there has been a marine casualty or when a vessel carrying a particular hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between January 1, 1987 and March 31, 1987 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 267-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since Marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the

zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, Federal Register notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the Federal Register just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period January 1, 1987 through March 31, 1987 unless otherwise indicated:

Docket No.	Location	Type	Date
3-87-03	Ocean County, NJ	Safety Zone	Feb. 12, 87.
3-87-07	do	do	Mar. 9, 87.
3-87-10	Upper New York Bay	Security Zone	Mar. 19, 87.
3-87-11	do	do	Mar. 27, 87.
COTP Hampton Roads, VA, Reg. 87-01	Elizabeth River	Safety Zone	Jan. 8, 87.
COTP Hampton Roads, VA, Reg. 87-02	do	do	Jan. 10, 87.
COTP Hampton Roads, VA, Reg. 87-03	do	do	Jan. 28, 87.
COTP Hampton Roads, VA, Reg. 87-04	do	do	Mar. 15, 87.
COTP Hampton Roads, VA, Reg. 87-05	do	do	Mar. 17, 87.
COTP Hampton Roads, VA, Reg. 87-06	Chesapeake Bay, Hampton Roads.	do	Mar. 18, 87.
COTP Hampton Roads, VA, Reg. 87-07	Elizabeth River	do	Mar. 19, 87.
COTP Hampton Roads, VA, Reg. 87-08	do	do	Mar. 19, 87.
COTP Hampton Roads, VA, Reg. 87-09	do	do	Mar. 20, 87.
COTP Hampton Roads, VA, Reg. 87-10	James River, Newport News, VA.	do	Mar. 31, 87.
COTP Wilmington, NC, Reg. 87-01	Morehead City Harbor, NC	do	Jan. 16, 87.
COTP Mobile, AL, Reg. 87-01	Panama City Beach, FL	do	Mar. 10, 87.
COTP Mobile, AL, Reg. 87-03	Tombigbee River, Mile 164.6	do	Feb. 3, 87.
COTP Mobile, AL, Reg. 87-04	Mobile River, Alabama State Docks.	do	Feb. 21, 87.
COTP Houston, TX, Reg. 87-01	Greens Bayou	do	Feb. 5, 87.
COTP Corpus Christi, TX, Reg. 86-01	Corpus Christi Bay, TX	do	Oct. 14, 86.
COTP Corpus Christi, TX, Reg. 86-02	Corpus Christi Ship Channel	do	Oct. 5, 86.
COTP Corpus Christi, TX, Reg. 86-03	do	do	Oct. 31, 86.
COTP Corpus Christi, TX, Reg. 86-04	Brownsville Ship Channel, TX	do	Nov. 20, 86.
COTP Corpus Christi, TX, Reg. 86-05	do	do	Dec. 20, 86.
COTP Corpus Christi, TX, Reg. 87-01	do	do	Jan. 10, 87.
COTP Corpus Christi, TX, Reg. 87-02	Corpus Christi Bay, TX	do	Feb. 4, 87.
COTP San Diego, CA, Reg. 86-18	San Diego and Coronado Roads	Security Zone	Jan. 5, 87.
COTP San Diego, CA, Reg. 87-1	Dsn Diego Bay	Safety Zone	Jan. 7, 87.
COTP San Diego, CA, Reg. 87-2	do	do	Jan. 12, 87.
COTP San Diego, CA, Reg. 87-3	do	do	Jan. 15, 87.
COTP San Diego, CA, Reg. 87-06	do	do	Mar. 3, 87.
COTP San Diego, CA, Reg. 87-07	do	do	Mar. 25, 87.
COTP LA/LB, CA, Reg. 86-36	Ports of Los Angeles/Long Beach.	do	Jan. 5, 87.
COTP LA/LB, CA, Reg. 87-01	do	do	Feb. 2, 87.
COTP LA/LB, CA, Reg. 87-02	do	do	Feb. 4, 87.
11-87-01	Colorado River	Special Local Regulation.	Mar. 14, 87.
COTP Honolulu, HI, Reg. 87-01	Outer Apra Harbor, Guam, M.I.	Safety Zone	Jan 27, 87.

Dated: April 22, 1987.

B.P. Novak,

Acting Executive Secretary, Marine Safety Council

[FR Doc. 87-9445 Filed 4-24-87; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 50103-7058]

Arbitration of Patent Interference Cases

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules to implement the arbitration provisions of section 105 of the Patent Law Amendments Act of 1984, Pub. L. 98-622.

EFFECTIVE DATE: May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Ian A. Calvert or Michael Sofocleous by telephone at (703) 557-4000 or by mail marked to the attention of either and addressed to Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: Section 105 of the Patent Law Amendments Act of 1984, enacted on November 8, 1984, provides for the arbitration of patent interference cases. Section 105, codified as 35 U.S.C. 135(d), provides:

> Parties to a patent interference, within such time as may be specified by the Commissioner by regulation, may determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9 to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Commissioner, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Commissioner from determining patentability of the invention involved in the interference.

The Patent and Trademark Office (PTO) conducts interference proceedings to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention. An interference may be declared between two or more pending applications naming different inventors when, in the opinion of an examiner, the applications contain claims for the same patentable invention. An interference may be declared between one or more pending applications and one or more unexpired patents naming different inventors when, in the opinion of an examiner, any application and any unexpired patent contain claims for the same patentable invention. Patent interference cases can be quite expensive. Arbitration may prove useful to minimize expenses in interference cases. The arbitration rule applies to all pending interferences.

The PTO published an advance notice of rulemaking in the Federal Register of January 16, 1985 (50 FR 2294-2296). The notice was also published in the *Official Gazette* on February 12, 1985 (1051 O.G. 9-10). The notice also appeared in the Bureau of National Affairs' Patent, Trademark and Copyright Journal, Vol. 29, p. 310 (January 24, 1985), hereinafter "BNA." Five written comments were received in response to the advance notice.

A notice of proposed rulemaking was published in the Federal Register on September 15, 1986 (51 FR 32756-32762), in the *Official Gazette* on October 21, 1986 (1071 O.G. 25-31), and in BNA's Patent, Trademark and Copyright Journal, Vol. 32, pp. 552-558 (September 18, 1986). In response to the notice, three comments, two in writing and one by telephone, were received. These comments are discussed herein.

All written comments are available for public inspection in Room 10C01, Crystal Gateway 2, 1225 Jefferson Davis Highway, Arlington, VA.

Discussion of the Rule

Under § 1.690 the arbitrator can determine issues of patentability as between the parties but a determination by him or her that the subject matter is patentable would not be binding upon the PTO. If the arbitrator's award holds that a party's claims corresponding to the count are unpatentable over prior art or under 35 U.S.C. 112, that determination would be binding on that party vis-a-vis the party's opponent and would result in a judgment adverse to that party. The judgment, however, would not discharge the duty that each party has under 37 CFR 1.56 to bring to the attention of the examiner in charge of its respective application any prior art and/or reason relied upon by the arbitrator in the determination of unpatentability.

It is the longstanding practice of the PTO to favor the settlement of interferences and the PTO looks with favor on all proper efforts in that direction as being conducive to the termination of the proceeding. See 4 Revise and Caesar, *Interference Law and Practice*, section 861, p. 2956 (Michie Co. 1948) and the Commissioner's Notice of November 9, 1976, titled, "Extensions of Time and Filing of Papers in Interferences," 953 *Official Gazette* 2 (December 7, 1976). In this regard, the notice states that:

> * * * stipulations or motions for extensions of time under 37 CFR 1.245 will not henceforth be approved or granted, respectively, unless accompanied by a detailed showing of facts sufficient to establish that the action for which the extension is sought could not have been or cannot be taken or completed during the time previously set therefor, and that the entire extension appears necessary for the taking or completion of that action. Since the Office favors the amicable settlement of interferences, the foregoing requirement will be liberally applied in the case of a first request for extension of time for the purpose of negotiating settlement.

Consequently, the examiner-in-chief may give favorable consideration to a motion for an extension of time for purposes of settlement; however, a further motion for an extension for that purpose would not be granted unless it is accompanied by a schedule of specific dates showing that the parties will make a good faith effort to promptly terminate the proceeding. If preliminary motions under 37 CFR 1.633 have not been filed, the examiner-in-chief would not normally extend the time for their filing merely for purposes of settlement. In these circumstances, the examiner-in-chief would require that the preliminary motions be filed or that their filing be waived.

If the proceeding is in the testimony stage, the examiner-in-chief could grant the parties' motion to extend all the unexpired testimony times to close concurrently on the date the record is due provided they file a stipulation that any evidence to be submitted will be in one of the forms specified in 37 CFR 1.672 (e) and (f), i.e., affidavit testimony or a stipulation either as to what a particular witness would testify to if called or the facts in the case of any party.

Analogously, the aforesaid practice would apply to arbitration. Section 1.690 requires that parties who intend to arbitrate an interference notify the examiner-in-chief in writing of their intention to arbitrate and file a copy of the arbitration agreement within 20 days of its execution. Pursuant to 35 U.S.C. 135(c) an agreement to arbitrate is considered to be one "made in connection with and in contemplation of the termination of the interference". The agreement must be in writing a copy filed in the PTO within 20 days after its execution. The notification of intention to arbitrate must be made in a separate paper. Merely incorporating the notification in the agreement is not sufficient to comply with § 1.690(a). The parties also will be required to adhere to a time schedule approved by the examiner-in-chief such that the interference proceeding can be expeditiously resolved so as to prevent the unnecessary postponement of the beginning of the running of the term of any patent resulting from an application involved in the interference. *Pritchard* v. *Loughlin*, 361 F.2d 483, 149 USPQ 841 (CCPA 1966).

If the parties desire to arbitrate an interference prior to the close of the motion period, the examiner-in-chief will not normally grant an extension of time for the purpose. The parties will be required to file their preliminary motions under 37 CFR 1.633. After the motions are filed, the examiner-in-chief could grant an extension only upon compliance with 37 CFR 1.645 which requires a showing of "good cause." Such a "good cause" showing would normally include a schedule, agreed to by the parties, setting forth, *inter alia*, the dates for (1) executing the arbitration agreement, (2) determining priority and (3) terminating the interference.

Section 1.690(a) requires that an arbitration agreement include the following:

(1) The name of the arbitrator or a date certain (not more than 30 days after the execution of the agreement) for his or her selection.

(2) The issues to be decided by the arbitrator.

(3) A provision that the arbitrator's award is binding on the parties and that the Board can enter a judgment based thereon.

Section 1.690(c) requires that a copy of the arbitration award be filed within 20 days from the date of the award or by a date set by the examiner-in-chief.

If the proceeding is in the testimony stage and the parties desire to arbitrate, the examiner-in-chief could grant a reasonable extention for that purpose. A motion for a further extension for that purpose would not be granted unless it were accompanied by a schedule, agreed to by the parties, setting forth, *inter alia*, the dates for (1) executing the arbitration agreement, (2) determining priority, and (3) terminating the interference. If the parties are to submit the required schedule, a motion for a further extension could be granted. If the parties file a copy of the arbitration agreement and they agree that any evidence submitted in the proceeding will be in one of the forms specified by 37 CFR 1.672 (e) or (f), the examiner-in-chief could give favorable consideration to the parties' motion that all the unexpired times be extended to close concurrently on the date the record is due. By that date, the parties would be required to file the arbitrator's award and their records, if necessary for the resolution of any issue not decided by the arbitrator. If the award is not dispositive of all the issues in the interference, the examiner-in-chief would set brief times so that parties could explain their evidence relating to any issues which the arbitrator did not, or was unable to decide. For example, the award might be dispositive of the issue of priority between the parties and leave for the Board's determination the question of substituting a new count raised in a preliminary motion under 37 CFR 1.633.

The arbitration award, filed by the parties, would be in the nature of a final decision and should include the following:

(1) The style (e.g., *Jones* v. *Smith*), the number of the interference and the names of the real parties in interest.

(2) The subject matter in issue, i.e., the counts and a table of counts, if necessary, indicating the relationship of the parties' claims corresponding to each count and those claims not corresponding thereto.

(3) The issues for decision before the arbitrator.

(4) The arbitrator's decision. The decision may also include a statement of the grounds and reasoning in support thereof.

(5) A summary, if appropriate, indicating, inter alia, that judgment should be awarded to one of the parties.

Any party to the arbitration can attack the award only in the manner provided by 9 U.S.C. 10 and 11.

9 U.S.C. 10 reads as follows:

In either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration—

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly execute them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired the court may, in its discretion, direct a rehearing by the arbitrators.

9 U.S.C. 11 reads as follows:

In either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration—

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

See, for example, *Fairchild and Co., Inc.* v. *Richmond, F. and P. R. Co.*, 516 F.Supp. 1305 (D.D.C. 1981). If such an attack were to be made by one of the parties while the interference is pending before the Board, the Board would not stay the interference. Rather, the Board would issue its judgment in accordance with the award. So long as the award is in compliance with § 1.690, it would carry the presumption that the arbitrator acted correctly in making his decision and accordingly, the party designated by the award as the prevailing party would be entitled *prima facie* to a judgment in its favor. If the dissatisfied party brings an action in an appropriate United States district court and if the court vacates, modifies or corrects the award, the Board would take action consistent with the court's findings. No action would lie in the PTO to vacate or correct an arbitration award, unless all parties agreed in writing.

The following examples illustrate the practice of the PTO concerning arbitration.

Example 1

Arbitration Practice—Preliminary Stage

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The parties decide to arbitrate the interference in accordance with § 1.690 and file a motion for an extension of time so that they can "freely" arbitrate the interference, but do not file a waiver of their right to file motions.

The examiner-in-chief would deny the motion because the parties' intention to arbitrate, in and of itself, does not constitute a showing of "good cause" within the meaning of 37 CFR 1.645(a). Even if the parties file an agreement to arbitrate, the PTO would not grant any extension of time to permit the parties to "freely" arbitrate an interference prior to the expiration of the time for filing preliminary motions.

Example 2

Arbitration Practice—Testimony Stage

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633. The parties file preliminary motions; the examiner-in-chief renders a decision thereon and sets the testimony times. The parties file a notice of intent to arbitrate the interference under § 1.690(a) and a motion for a one month extension of the testimony times. The examiner-in-chief could grant the motion, but would indicate that if the parties file another motion for an extension for that purpose, the motion must be accompanied by a schedule, agreed to by the parties, setting forth the dates for (1) executing the arbitration agreement, (2) determining priority and (3) terminating the interference.

The parties file a motion for an additional one month extension of time to permit the parties to arbitrate the interference. Accompanying the motion is a proposed schedule of times and a copy of the arbitration agreement which provides, inter alia, (i) the name of the arbitrator or a date certain for his selection, (ii) that the arbitrator's award will be binding on the parties, (iii) the issues to be decided by the arbitrator and (iv) that the award will be filed by the date the record is due. The parties also indicate that the evidence to be filed in the proceeding will be in one of the forms specified by 37 CFR 1.672 (e) or (f). The examiner-in-chief could grant the motion and indicate that he will give favorable consideration to a motion to extend all the unexpired times to close concurrently on the date the record is due should the parties request such.

On the date for filing the record, the parties file the arbitrator's award and their evidentiary records, if necessary. The award states (i) the style and number of the interference and the real parties in interest, (ii) the subject matter in issue and the parties' claims which correspond thereto and which do not correspond thereto, (iii) the issues for decision before the arbitrator, (iv) the arbitrator's decision (which may include a statement of the grounds and reasoning in support thereof) and (v) that judgment should be awarded to one of the parties. The examiner-in-chief examines the award to ensure that it complies with § 1.690 and is dispositive of the issues in the interference which can be decided by the arbitrator. If the award is otherwise acceptable, the Board would issue a judgment based on the award. If the award is not dispositive of all the issues in the interference, the examiner-in-chief would determine how the interference will proceed.

Example 3

Arbitration Practice—Award Decides Interference-in-Fact Issue and Junior Party Takes No Testimony

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary

statements. The junior party files a motion for judgment under 37 CFR 1.633(b) on the ground that there is no interference-in-fact between his claims corresponding to the count and his opponent's claims corresponding thereto. The examiner-in-chief denies the motion, examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. On the date for filing the record, the junior party files the award together with a motion requesting that the interference be terminated in view of the award. He does not file a record. In his award the arbitrator holds that no interference-in-fact exists between the parties' claims corresponding to the count.

The motion would be denied because the award decides a matter of patentability which would not result in a judgment adverse to one of the parties. Consequently, the junior party would be placed under an order to show cause why judgment under 37 CFR 1.652 should not be entered against him for his failure to file an evidentiary record by the time set therefore. In response to the order, the junior party requests final hearing to review the examiner-in-chief's denial of the motion for judgment and a testimony period to show no interference-in-fact. The examiner-in-chief would grant the junior party's request to the extent that final hearing is set and would deny the request for testimony because the junior party already had the opportunity to take testimony on the matter.

Example 4

Arbitration Practice—Cannot Decide Patentability

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion for judgment under 37 CFR 1.633(a) on the ground that the claims corresponding to the count are unpatentable over prior art. In his decision on motions, the examiner-in-chief grants the motion and places both parties under an order pursuant to 37 CFR 1.640(d)(1) to show cause why judgment should not be entered against them as to the count. In response to the order, the senior party files a paper in accordance with 37 CFR 1.640(e) purportedly showing good cause why judgment should not be entered in accordance with the order and a motion requesting permission to aribitrate the patentability issue. The examiner-in-chief would deny the motion. The arbitrator is without authority to establish vis-a-vis the public that the subject matter of the court is patentable. Thus, the arbitration will serve no useful purpose. The Board would consider the senior party's paper and enter an appropriate order.

Example 5

Arbitration Practice—Award After Decision on Motions

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion for judgment under 37 CFR 1.633(a) on the ground that the claims corresponding to counts 1 and 2 are unpatentable over prior art. In his decision on motions, the examiner-in-chief grants the motion with respect to count 1, denies the motion with respect to count 2 and places both parties under an order pursuant to 37 CFR 1.640(d)(1) to show cause why judgment should not be entered against them as to count 1. The senior party files a paper in accordance with 37 CFR 1.640(e); the junior party, a response thereto. The Board considers the paper and the response thereto and based on the record enters judgment adverse to both parties as to count 1. Thereafter, the examiner-in-chief examines the preliminary statements and sets dates for taking testimony and filing the record.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. In his award, the arbitrator decides that judgment should be awarded to the junior party. On the date for filing the record, both parties file the award together with a motion requesting that the interference be terminated in view of the award. No record is filed.

The motion would be granted and accordingly it would be held that the senior party is not entitled to a patent containing his claims corresponding to count 2.

Example 6

Arbitration Practice—Award Decides Patentability

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions for judgment under 37 CFR 1.633 are filed and after the examination of the preliminary statements, the examiner-in-chief sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intent to arbitrate and file an arbitration agreement which is approved by the examiner-in-chief. In his award, the arbitrator finds (1) that the evidence is insufficient to establish a prior public use bar under 35 U.S.C. 102(b) against the junior party, (2) that the claims of the junior party corresponding to the count are patentable under 35 U.S.C. 103 over the prior art cited by the senior party to the junior party, and (3) that judgment on priority should be awarded to junior party. On the date for filing together with a motion requesting that the interference be terminated in view of the award.

The motion would ge granted and accordingly it would be held that the senior party is not entitled to a patent containing his claims corresponding to the count. After the termination of the proceeding, each party has the duty under 37 CFR 1.56 to bring before the primary examiner the evidence concerning the purported public use bar and the prior art cited by the senior party and/or considered by the arbitrator.

Example 7

Arbitration Practice—Award Grants Priority to Junior Party Contingent Upon Granting of Preliminary Motion Under 1.633(C)

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. The junior party files a motion under 37 CFR 1.633(c)(1) to substitute another count. The examiner-in-chief denies the motion, examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intention to arbitrate and enter into an arbitration agreement which is approved by the examiner-in-chief. The agreement provides that any evidence to be submitted by the parties will be in the form of a stipulation under 37 CFR 1.672 (e) and (f). The parties file a motion requesting that all the

unexpired testimony times be extended to close concurrently on the date the record is due. The motion would be granted.

On the date for filing the record, the junior party files his record and the award. The award states, inter alia, that if the Board at final hearing should grant the junior party's motion under 37 CFR 1.633(c)(1) to substitute a new count, judgment should be awarded to the junior party based on the evidence. Otherwise, the award states that judgment should be awarded to the senior party.

The examiner-in-chief sets the brief times and after the filing thereof the interference would be set for final hearing so that the Board can review the examiner-in-chief's denial of the junior party's motion under 37 CFR 1.633(c) and issue an appropriate judgment based on the award.

Example 8

Arbitration Practice—Award Attacked

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No preliminary motions are filed. The examiner-in-chief examines the opreliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference, notify the examiner-in-chief of their intention to arbitrate and file an arbitration agreement which is approved by the the examiner-in-chief.

On the date for filing the record, both parties file their records. The junior party files the award which states that judgment should be awarded to him and a motion for judgment based on that award. The senior party files an opposition to the motion for judgment on the grounds (i) that the award contains errors of law, (ii) that the award was procured by "corruption, fraud or undue means" in violation of 9 U.S.C. 10(a), and (iii) that the arbitrator exhibited "evident partiality" in violation of 9 U.S.C. 10(b) and was "guilty of misconduct * * * in refusing to hear evidence pertinent and material" to the interference, citing 9 U.S.C. 10(c).

The Board would grant the judgment based on the award, holding that the senior party is not entitled to a patent containing his claims corresponding to the count. So long as the award is in compliance with the provisions of § 1.690, it would carry a presumption that the arbitrator acted properly in all respects. Consequently, before the PTO the award is binding upon the parties and the junior party is *prima facie* entitled to a judgment in its favor. Thus, no action lies in the PTO as regards the matter raised by the senior party. The senior party's action lies in an appropriate United States district court and the PTO would take any action consistent with the court's decision.

Example 9

Arbitration Practice—Award Cannot Modify Board's Final Decision

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions are filed. The examiner-in-chief examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference and enter into an arbitration agreement. Neither party notifies the examiner-in-chief of their intent to arbitrate nor do they file a copy of the agreement in the interference. Both parties timely file their records and briefs. Both waive oral agrument. The Board enters a final decision after consideration of the evidence in favor of the senior party.

The junior party requests reconsideration of the Board's final decision, submits a copy of the arbitration award and moves that the Board set aside its final decision and enter judgment in his favor based on the award. In support of its request, the junior party cites 9 U.S.C. 9, which provides that "any party to the arbitration may apply to the court so specified for an order confirming the award" and 35 U.S.C. 135(d) which provides that title 9 applies to interference arbitrations.

The Board would deny the motion to set aside. The parties did not comply with § 1.690(a), i.e., notify the examiner-in-chief in writing of their intention to arbitrate and file a copy of the arbitration agreement within twenty (20) days of its execution. The denial of the motion is an appropriate sanction under 37 CFR 1.616. Such action by the Board is considered consistent with long-standing interference practice. Cf. *Humphrey* v. *Fickert*, 1904 Dec. Comm'r. Pat. 447 (Comm'r. 1904) wherein the Board, after it had considered the evidence, refused to set aside its award of priority to Fickert and act upon the Fickert's concession of priority in favor of Humphrey, the losing party.

Example 10

Arbitration Award Filed With Record—No Notice to Examiner-In-Chief

An interference is declared on or after February 11, 1985. The examiner-in-chief sets a time in accordance with 37 CFR 1.611 for filing preliminary motions under 37 CFR 1.633 and preliminary statements. No motions are filed. The examiner-in-chief examines the preliminary statements and sets the testimony times.

During the testimony period, the parties decide to arbitrate the interference and enter into an arbitration agreement. Neither party notifies the examiner-in-chief of the agreement. The junior party timely files its record together with a copy of the arbitration award and a motion for judgment based on the award.

The motion would be denied. Under the provisions of 37 CFR 1.616, the examiner-in-chief would place both parties under an order to show cause why judgment should not be rendered against them for their failure to comply with 1.690(a), i.e., failing to notify him of their intent to arbitrate and file a copy of the arbitration agreement.

Discussion of Comments

One commentor suggested that the expression "An interference or any aspect thereof shall be arbitrated" in part (b) of proposed § 1.690 might be construed as going beyond the terms of the statute by authorizing an examiner-in-chief to require the parties to arbitrate an interference, and proposed that the quoted language be changed to "An arbitration proceeding under this section shall be conducted." To eliminate any possible misconstruction of the rule, this proposal has been adopted.

A second commentor suggested, by telephone, that a provision be added to proposed § 1.690 requiring that the arbitrator be familiar with United States interference practice, and that United States law be applied by the arbitrator in making the determination. He expressed the fear that a foreign arbitrator might reach a result contrary to established domestic law.

This suggestion has not been adopted. It is incumbent upon the parties to select the arbitrator, and to satisfy themselves as to his or her qualifications. Presumably if the arbitrator's decision is contrary to established law, any resulting patent would be subject to attack on that ground by a third party in subsequent litigation.

Another commentor stated that, with the arbitration rule, the PTO was

"attempting to apply a band-aid to a system which cannot be cured by application of a band-aid," and that the first-to-file system should be adopted in place of the first-to-invent system. This suggestion is obviously far beyond the scope of the rule change under consideration. The first-to-invent system is mandated by statute and could not be replaced merely by a change in the rules. The purpose of § 1.690 is to establish a specific procedure governing the optional arbitration of interferences provided by section 105 of Pub. L. 98–622.

Other Considerations

This rule does not have a significant impact on the quality of the human environment or the conservation of natural resources.

The rule is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the rule will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act. Pub. L. 96–354) because arbitration is intended to minimize expenses in interference cases.

The Patent and Trademark Office has determined that this rule is not a major rule under Executive Order 12291. The annual effects on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., since no record keeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations, Conflicts of interest, Courts, Inventions and patents, Lawyers.

For the reasons set out in the preamble and under the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and 135, Part 1 of Title 37 CFR is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 would continue to read as follows:

Authority: 35 U.S.C. 6 unless otherwise noted.

2. New § 1.690 is added to Subpart E to read as follows:

§ 1.690 Arbitration of interferences.

(a) Parties to a patent interference may determine the interference or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of Title 9, United States Code. The parties must notify the Board in writing of their intention to arbitrate. An agreement to arbitrate must be in writing, specify the issues to be arbitrated, the name of the arbitrator or a date not more than thirty (30) days after the execution of the agreement for the selection of the arbitrator, and provide that the arbitrator's award shall be binding on the parties and that judgment thereon can be entered by the Board. A copy of the agreement must be filed within twenty (20) days after its execution. The parties shall be solely responsible for the selection of the arbitrator and the rules for conducting proceedings before the arbitrator. Issues not disposed of by arbitration will be resolved in accordance with the procedures established in 37 CFR, Subpart E of Part 1, as determined by the examiner-in-chief.

(b) An arbitration proceeding under this section shall be conducted within such time as may be authorized on a case-by-case basis by an examiner-in-chief.

(c) An arbitration award will be given no consideration unless it is binding on the parties, is in writing and states in a clear and definite manner (1) the issue or issues arbitrated and (2) the disposition of each issue. The award may also include a statement of the grounds and reasoning in support thereof. Unless otherwise ordered by an examiner-in-chief, the parties shall give notice to the Board of an arbitration award by filing within twenty (20) days from the date of the award a copy of the award signed by the arbitrator or arbitrators. When an award is timely filed, the award shall, as to the parties to the arbitration, be dispositive of the issue or issues to which it relates.

(d) An arbitration award shall not preclude the Office from determining patentability of any invention involved in the interference.

Dated: March 16, 1987.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 87–9373 Filed 4–24–87; 8:45 am]

BILLING CODE 3510–16–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR PART 64

[Docket No. FEMA 6750]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the Federal Register.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities will

be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance-floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127).

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal Assistance no longer available in special flood hazard areas
Region II					
New York	Alexander, town of. Genesee County.	360277	June 24, 1975. Emerg.; Nov. 18, 1983. Reg.; May 4, 1987. Susp.	May 4, 1987	May 4, 1987.
Do	Alexander, village of. Genesee County.	361496	May 6, 1975. Emerg.; Jan. 20, 1984. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Beekmantown, town of. Clinton County.	360166	Dec. 15, 1976. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Chesterfield, town of. Essex County.	360264	Mar. 9, 1977. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Palatine, town of. Montgomery County.	361413	Mar. 8, 1977. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Peru, town of. Clinton County	361384	Apr. 16, 1976. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region III					
Pennsylvania	East Chillisquaque, township of. Northnumberland County.	422599	Oct. 15, 1975. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region IV					
North Carolina	Bridgeton, town of. Craven County	370436	Oct. 19, 1973. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Craven County. Unincorporated Areas.	370072	Oct. 19, 1973. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	Havelock, city of. Craven County	370265	June 20, 1975. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Do	New Bern, city of. Craven County	370074	Dec. 11, 1973. Emerg.; June 1, 1978. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
South Carolina	Marion, city of. Marion County	450142	Mar. 4, 1974. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Tennessee	Spring Hill, city of. Maury County	470278	Sept. 29, 1975. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region V					
Michigan	Chocolay, township of. Marquette County.	260448	Oct. 29, 1976. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Minnesota	Moorhead, city of. Clay County	275244	Mar. 19, 1971. Emerg.; Feb. 18, 1972. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region VI					
Texas	Bellaire, city of. Harris County	480289	Aug. 12, 1975. Emerg.; Sept. 30, 1981. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.

State	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal Assistance no longer available in special flood hazard areas
Do	Denton county. Unincorporated Areas.	480774	July 22, 1975. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region VIII					
Colorado	Estes Park, town of. Larimer County.	080193	May 22, 1975. Emerg.; Jan. 17, 1979. Reg.; May 4, 1987. Susp.	May 4, 1987	Do.
Region III, Minimal Conversions					
Pennsylvania	Elk, township of. Tioga County	421154B	Apr. 15, 1974. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	May 1, 1987.
Region IV					
Florida	Mayo, town of. Lafayette County	120132	May 23, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Kentucky	Glasgow, city of. Barren County	210007	June 18, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Region V					
Illinois	Clinton County. Unincorporated Areas.	170044	June 10, 1977. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Indiana	Randolph County. Unincorporated Areas.	180429	Jan. 16, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Michigan	Tekonsha, village of. Calhoun County.	260565	July 20, 1977. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Wolverine Lake, village of. Oakland County.	260480	Sept. 23, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Minnesota	Brookston, city of. St. Louis County.	270419A	July 9, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Ohio	Fort Recovery, village of. Mercer County.	390395	June 30, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	New Waterford, village of. Columbiana County.	390663	Dec. 12, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Wisconsin	St. Croix Falls, city of. Polk County	550337	July 18, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Stratford, village of. Marathon County.	550256	Mar. 24, 1974. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Waldo, village of. Sheboygan County.	550432	June 11, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Wilson, village of. St. Croix County	550389	June 15, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Region VII, Minimal Conversions					
Iowa	Bevington, city of. Madison and Warren Counties.	190273	Nov. 30, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Eldora, city of. Hardin County	190139	Apr. 14, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Griswold, city of. Cass County	190346	Oct. 26, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Thornton, city of. Cerro Gordo	190062	Dec. 12, 1975. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Zearing, city of. Story County	190260	Sept. 28, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Kansas	Rozel, city of. Pawnee County	200260	Apr. 13, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Missouri	Crawford County. Unincorporated Areas.	290795	Oct. 23, 1984. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Nebraska	Loup City, city of. Sherman County	310215	Mar. 18, 1976. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 1, 1987	Do.
Do	Webster County. Unincorporated Areas.	310232	Apr. 14, 1987. Emerg.; May 4, 1987. Reg.; May 4, 1987. Susp.	May 1, 1987	Do.
Region IX, Minimal Conversions					
Arizona	Colorador River Indian Tribe	040123	July 26, 1983. Emerg.; May 1, 1987. Reg.; May 1, 1987. Susp.	May 4, 1987	May 4, 1987.

Code for reading fifth column: Emerg.—Emergency—Reg.—Regular—Susp.—Suspension.

Issued: April 22, 1987.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 87-9391 Filed 4-24-87; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1138

[Ex Parte No. 389 [1]]

Procedures for Requesting Rail Variable Cost and Revenue Determinations for Joint Rates Subject to Surcharge or Cancellation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: The Commission adopts final rules revising interim rules published at Part 1138 of Title 49 of the Code of Federal Regulations.[2] These rules set forth the procedures for parties affected by joint rate cancellations under 49 U.S.C. 10705a(c) to obtain revenue and variable cost data from the Commission. These procedures are necessary for us to carry out our costing obligations pursuant to 49 U.S.C. 10705a(h).

EFFECTIVE DATE: These rules will be effective on May 27, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystem, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

This decision will not significantly affect either the quality of the human environment or energy conservation. We certify that this decision will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1138

Railroads.

Authority: 49 U.S.C. 10321, 10705a; 5 U.S.C. 553.

Decided: April 14, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley and Commissioner Simmons dissented in part with separate expressions.

Noretta R. McGee,

Secretary.

Title 49 of the CFR is amended by revising Part 1138 to read as follows:

PART 1138—PROCEDURES FOR REQUESTING COSTS AND REVENUES FROM RAIL CARRIERS CANCELLING THE APPLICATION OF A JOINT RATE PURSUANT TO 49 U.S.C. SECTION 10705A(C)

Sec.

1138.1 Scope.

1138.2 Procedures.

Authority: 49 U.S.C. 10321, 10705a; 5 U.S.C. 553

§ 1138.1 Scope.

The provisions of this part apply to: (a) Rail carriers, subject to the jurisdiction of the Commission under subchapter 1 of Chapter 105 of Title 49, that cancel, under 49 U.S.C. 10705a(c) the application of a joint rate in which they participate; and (b) other rail carriers participating in the joint rate subject to the cancellation, shippers moving traffic over a route subject to the cancellation, affected ports, and State or local agencies representing these parties, that request the Commission to provide revenue and variable cost information about the joint rate pursuant to 49 U.S.C. 10705a(h).

§ 1138.2 Procedures.

(a) The cancelling rail carrier is required to provide a shipper, port, or carrier described in § 1138.1, or State or local agencies representing them, with its division of revenue for the joint rate subject to cancellation under 49 U.S.C. 10705a(c) within three working days of receipt of a request. The tariff page for a cancellation under 49 U.S.C. 10705a(c) shall contain the name and telephone number of a person to contact for this information.

(b) If the request is not timely honored, the tariff may be suspended and investigated by the Commission, and ultimately disapproved.

(c) The Commission will furnish within five working days of a request, made pursuant to 49 U.S.C. 10705a(h) determinations of the variable cost of service and revenue of a rail carrier cancelling the application of a joint rate. The request must be sent directly to: Section of Rail Costing, Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423. A request must be route-specific and must include for each route to be cancelled:

(1) The tariff minimum weight.

(2) The tariff rate applicable at the minimum weight, tariff reference, and applicable unit (e.g., per hundred weight).

(3) The relevant territorial division and the relevant intraterritorial sudivision (where applicable) as percentages. (Carriers must supply this information to requesting parties within three working days of the request as set forth in paragraph (a) of this section.

(4) The car or types in which the traffic normally moves.

(5) The commodity description—STCC code.

(6) The class of traffic.

(7) The number of intertrain and intratrain switches (if known).

(8) The origin, destination, interchanges, carriers used, and the short line distance on the cancelling carrier's line (from the published distance tables) from or to the interchange point(s) at which the traffic is tendered.

(d) Along with any request for variable cost and revenue information, shippers and ports, or State or local agencies representing them, must certify to the Commission that they have no feasible transportation alternatives to the cancelled routes.

(e) Unless a carrier specifically waives its confidentiality interest, division of revenue information shall be considered confidential. All pleadings containing divisions data must be filed pursuant to 49 CFR 1104.14, our rule concerning protective orders to maintain confidentiality. The confidential data shall be submitted in a separate package, clearly marked on the outside "confidential materials subject to a protective order." A request for a protective order shall be filed as a separate pleading.

[FR Doc. 87–9389 Filed 4–24–87; 8:45 am]

BILLING CODE 7035–01–M

[1] This proceeding embraces No. 37585, *International Paper Company—Petition—The Development of Costs and Revenues for Surcharges and Cancellations of Joint Rates.*

[2] The interim rules were originally published as Part 1031A. However, Part 1031A was redesignated as Part 1138 at 47 FR 49577, November 1, 1982.

Proposed Rules

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Washington Cherry Regulation 22; Amdt. 3]

Sweet Cherries Grown in Designated Counties of Washington; Amendment of Minimum Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action, recommended by the Washington Cherry Marketing Committee, proposes to increase the minimum size of sweet cherries that can be shipped by handlers from 50/64 to 52/64 inch in diameter. Such an increase would provide fresh markets and consumers with slightly larger fruit. The change is intended to enhance the image of Washington sweet cherries and help improve sales and returns to growers. The marketing of undesirable sizes undermines buyer confidence in the fruit sold in the market and does not encourage repeat purchases. Hence, requiring handlers to market more desirable sizes of sweet cherries should have a positive effect on sales and industry returns. The committee works with the Department in administering the marketing order. The proposal, if adopted, would apply during the 1987 and subsequent seasons.

DATE: Comments must be received on or before May 12, 1987.

ADDRESS: All persons interested in commenting on this proposal should submit their comments in triplicate to the Docket Clerk, F&V, AMS, U.S. Department of Agriculture, Room 2085–S, Washington, DC 20250–1400. All written comments submitted will be made available for public inspection in the above office during regular business hours. Comments should reference the date and page of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, Telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been designated as "non-major" under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action would not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (The Act, 7 U.S.C. 601–674), and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 62 Washington sweet cherry handlers will be subject to this regulation during the current season. In addition, there are approximately 1,100 producers in the production area. The majority of these handlers and producers may be classified as small entities as defined by the Small Businesses Administration (SBA). The SBA defines agricultural service firms as those whose gross annual receipts are less than $3.5 million and small agricultural producers as those having average annual gross revenues for the last three years of less than $100,000 (13 CFR 121.2).

This proposed rule is issued under Marketing Order No. 923 regulating the handling of sweet cherries produced within the counties of Okanogan, Chelan, Douglas, Grant, Yakima, and Benton within the State of Washington. It is based upon the unanimous recommendation and information submitted by the Washington Cherry Marketing Committee (WCMC) and upon other available information.

At its meeting on February 12, 1987, the WCMC recommended an increase in the smallest size allowed to be marketed under this regulation. The increase of 1/32 inch in diameter, from 50/64 to 52/64, would more accurately reflect the true cherry size designated as 13 row size. This change would improve the image of the 13 row size pack in the marketplace and provide buyers with slightly larger size fruit overall, thus encouraging repeat purchases and increasing cherry sales, shipments, and grower returns.

Approximately 79.32 million pounds of sweet cherries were shipped during the 1986 season. Shipments of fruit 50/64 inch in diameter normally account for less than two percent of total industry shipments. Approximately one percent of 1986 shipments consisted of fruit designated as 13 row size; that is, fruit generally measuring between 50/64 and 54/64 inch in diameter. The remaining shipments of 50/64 inch fruit consisted of containers marked with a minimum diameter. A 1/32 of an inch increase in the size of marketable sweet cherries grown in designated counties of Washington would have a negligible impact on industry supplies and should improve the overall fruit size and quality of the pack. In addition, immature cherries tend to occur in the smaller sizes.

Approximately 86 percent of the total shipments of 13 row size fruit were shipped during the first four weeks of the 1986 season. Initial offerings of sweet cherries set the market tone for the remainder of the season. Purchases of large, high quality fruit at the beginning of the season encourage consumers to make subsequent purchases, thus expanding and stabilizing market demand and increasing returns to growers and handlers.

It is the Department's view that this proposal would benefit growers and handlers if implemented. The anticipated increase in demand and grower returns would significantly offset the costs of compliance with the regulations. In addition, the WCMC believes that the proposed regulatory change is needed to improve returns to growers in the production area while consistently providing fresh markets with slightly larger, good quality sweet cherries.

A comment period of 15 days is provided and is deemed appropriate because the shipping season for the 1987 crop of Washington sweet cherries is expected to begin in early June. It is

desirable to implement the proposed change, if adopted, as soon as possible so that such change would apply during the entire shipping season. In addition, a prompt decision on this proposal is necessary so that handlers will have sufficient time to adjust and plan their operations prior to the beginning of the shipping season, in response to any changes that may result from this rulemaking action.

List of Subjects in 7 CFR Part 923

Marketing agreements and orders, Cherries, Washington.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

1. The authority citation for 7 CFR Part 923 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 923.322 [Amended]

2. Therefore, it is proposed that § 923.322 be amended by removing the size designation 50/64 and inserting the size designation 52/64 in paragraphs (a)(2), (a)(3), (b)(2)(ii), (c)(2), and in the Table in (c)(1) under Column 2 opposite the 13 row count/row size designation in Column 1.

Dated: April 22, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 87–9457 Filed 4–24–87; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 309

Freedom of Information Act; Uniform Fee Schedule and Administrative Guidelines; Disclosure of Information

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FDIC is proposing to amend its regulations to implement the provisions of the Freedom of Information Reform Act of 1986. Pub. L. 99–570, and the Uniform Freedom of Information Act Fee Schedule and Guidelines adopted by the Office of Management and Budget (52 FR 10012).

DATE: Comments on this proposal must be received by May 27, 1987.

ADDRESSES: Comments should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, or hand-delivered to room 6108 at the same address. Comments are available for public inspection in room 6108, Monday-Friday, between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Deputy Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898–3812.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act ("FOI Reform Act") created a new structure for agency fees which may be charged for processing Freedom of Information Act requests. The FOI Reform Act requires agencies to issue implementing regulations, pursuant to notice and receipt of public comment, which are to conform to guidelines established by the Office of Management and Budget ("OMB"). OMB's final guidelines, which were also pursuant to notice and public comment, were published in the **Federal Register** on March 27, 1987. These proposed amendments, thus, are based on and conform to OMB's guidelines.

As proposed, FDIC's amendments would permit the FDIC to recover the full direct costs incurred by it in searching for, reviewing and duplicating documents responsive to FOIA requests. The amendments would incorporate FDIC's existing schedule of fees but would classify requesters into categories for the purpose of assessing fees to be charged. Commercial use requesters would be charged search, review and duplication costs. Educational and non-commercial scientific institutions and representatives of the news media would be charged duplication costs, with the first 100 pages being without charge. All other requesters would be charged search and duplication costs, with the first two hours of search time and first 100 pages being without charge. As is presently, where billable costs are less than $25.00, no charges would be assessed. The fee provisions of the FOI Reform Act are effective April 25, 1987, and the FDIC will comply with those requirements pending completion of this rulemaking proceeding.

The FOI Reform Act also amended the exemptive provision relating to law enforcement records, 5 U.S.C. 552(b)(7), and conforming changes are proposed to FDIC's regulations at this time as well.

As the proposed amendments do not impose any recordkeeping or information collection requirements, the Paperwork Reduction Act does not apply. Also, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments do not have a substantial economic impact on a significant number of small entities.

List of Subjects in 12 CFR Part 309

Banks, banking, Credit Federal Deposit Insurance Corporation, Foreign banking, Freedom of Information, Privacy.

PART 309—[AMENDED]

The Board of Directors, therefore, proposes to amend Part 309 of its regulations as follows:

1. The authority citation for Part 309 continues to read as follows:

Authority: 12 U.S.C. 1819 "Seventh" and "Tenth"; 5 U.S.C. 552.

2. Section 309.5 is amended by revising paragraphs (a) introductory text, (b), and (c)(7) to read as follows:

§ 309.5 Information made available upon request.

(a) *Initial request.* (1) Except as provided in paragraphs (c), (g), and (h), of this section, the FDIC, upon request for any record in its possession, will make the record available to any person who agrees to pay the costs of searching, review and duplication as set forth in paragraph (b) of this section. The request must be in writing, provide information reasonably sufficient to enable the FDIC to identify the requested records and specify a dollar limit which the requester is willing to pay for the costs of searching, review and duplication, unless the costs are believed to be less than $25.00. Requests under this paragraph (a) should be addressed to the Office of the Executive Secretary, FDIC, 550–17th Street, NW., Washington, DC 20429.

* * * * *

(b) *Fees.*—(1) *Definitions.* (i) "Search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. The term includes the extraction of information from a computer using existing programming.

(ii) "Duplication" refers to the process of making a copy of a document necessary to respond to a request for disclosure of records or for inspection of original records that contain exempt material or that cannot otherwise be directly inspected.

(iii) "Review" refers to the process of examining documents responsive to a commercial use request to determine whether any portion of any document contains exempt material. It includes processing any document for disclosure, *e.g.* doing all that is necessary to excise them or otherwise prepare them for release.

(iv) "Commercial use request" refers to a request from or on behalf of a requester who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person on whose behalf the request is made.

(v) "Educational institution" refers to a school, an institution of higher education, an institution of professional education or an institution of vacational education, which operates a program or programs of scholarly research.

(vi) "Non-commercial scientific" institution refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose fo conducting scientific research the results of which are not intended to promote any particular product or industry.

(vii) "Representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.

(2) *General rules.* (i) Persons requesting records of the FDIC shall be charged for the direct costs of search, duplication and review as set forth in § 309.5(b)(3), unless such costs are less than $25.00.

(ii) Requesters will be charged for search and review costs even if responsive documents are not located and, if located, are determined to be exempt from disclosure.

(iii) Multiple requests seeking similar or related information from the same requester will be aggregated for the purposes of this section.

(iv) If the FDIC determines that the estimated costs of search, duplication or review of requested records will exceed the dollar amount specified in the request or if no dollar amount is specified, the FDIC will advise the requester of the estimated costs (if greater than $25.00). The requester must agree in writing to pay the costs of search, duplication and review.

(v) If FDIC estimates that its search, duplication and review costs will exceed $250.00, the requester must pay in advance an amount equal to 20 percent of the estimated costs.

(vi) Any requester who has previously failed to pay the charges under this section within 30 days of receipt of the invoice therefor must pay in advance the total estimated costs of search, duplication and review.

(vii) The time limit for FDIC to respond to a request will not begin to run until the FDIC has received the requester's written agreement under (iv) or advance payment under (v) or (vi).

(viii) As part of the initial request, a requester may ask that the FDIC waive or reduce fees if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Determinations as to a waiver or reduction of fees will be made by the Executive Secretary (or designee) and the requester will be notified in writing of his/her determination.

(3) *Chargeable fees by category of requester.* (i) Commercial use requesters shall be charged search, duplication and review costs.

(ii) Educational institutions, non-commercial scientific institutions and news media representatives shall be charged duplication costs, except for the first 100 pages.

(iii) Requesters not within scope of § 309.5(b)(3)(i) or (ii) shall be charged search and duplication costs, except for the first two hours of search time and first 100 pages of duplication.

(4) *Fee schedule.* The following fees apply:

Supervisory or professional staff.	$14.50/hour.
Clerical Staff	7.50/hour.
Duplication	0.10/page.
Computer Generated Documents	
Computer central processing unit (CPU).	0.021/CPU second.
Core (Main storage)	0.000023/1000 bytes/second.
Magnetic tape drive	0.17/1000 tape input/output operation.
Disk storage device	0.153/1000 disk input/output operation.
Computer paper printout	0.16/1000 lines.
Photocopy printed output	0.76/1000 lines.
Output on computer magnetic tape reel.	75.00.
Address labels	8.00/1000 labels.

(c) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trail or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

By order of the Board of Directors.

Dated at Washington, DC, this 16th day of April, 1987.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-9435 Filed 4-24-87; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 629]

Proposed Establishment of Ben Lomond Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Santa Cruz County, California, to be known as "Ben Lomond Mountain." This proposal is the result of a petition from Mr. Michael R. Holland. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify wines they purchase.

DATE: Written comments must be received by June 11, 1987.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No. 629).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at:

ATF Reading Room, Office of Public Affairs and Disclosure, Room 4406, Ariel Rios Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue

NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37673, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) Copies of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. Michael R. Holland proposing an area in Santa Cruz County, California, as a viticultural area to be known as "Ben Lomond Mountain." This proposed viticultural area is located entirely in Santa Cruz County, California in the central part of the State near the coast. The viticultural area consists of approximately 38,400 acres. There are nine separate vineyard operations established in the area totaling approximately 69.5 acres of grapes. In addition, two other vineyards are in the development stages with a proposed planting of 330 acres. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

Viticultural Area Name

The name "Ben Lomond Mountain" can be found on all current U.S.G.S. maps of the mountain area northwest of the city of Santa Cruz, California (Santa Cruz and Davenport Quadrangles).

Historical/Current Evidence of Boundaries

According to the petitioner, Ben Lomond Mountain was first pioneered by Scotsman John Burns who gave the area its name in the 1860's. Burns was also the first grape grower in the area and made wine with little commercial success until the 1880's, setting the example for several other families.

Commercial winegrowing began in the Ben Lomond Mountain region in 1883 with the foundation of the Ben Lomond Wine Company by F.W. Billings. The Ben Lomond Wine Company, under the management of Billings' son-in-law, J.F. Coope, brought the Ben Lomond Mountain Wines out of the obscurity of the remote mountain area to stand with other quality wines in the State.

In 1887, Coope wrote . . . "Ben Lomond (Mountain) as a wine district is yet in its infancy and is struggling to establish a name for itself in that industry. The wine yield of 1886 (for the Ben Lomond Wine Company) was 28,000 gallons, chiefly Riesling, part of which was grown (by the Ben Lomond Wine Company), while a part was purchased (from neighboring vineyards)." By 1891, approximately 400 acres of vineyards were devoted to wine production on Ben Lomond Mountain.

Frona Eunice Waite Colburn, in her treaties "Wines and Vines of California" (1889), proclaimed the Ben Lomond Mountain region as a "future Chablis district" . . . "here the Ben Lomond Company makes a wine of the (Chablis) type which is unrivaled by any other product in the State, and is the only wine in California which has the thin, delicate, flinty dryness of a true Chablis. . . . It is a superior table wine; not heady or earthy in flavor and has the fine bouquet and exquisite flavor of a high-type mountain wine. It is sold under the classical name of Ben Lomond."

The Ben Lomond Mountain wine industry declined after the turn of the century. By the end of World War II, only the 75 acre Locatelli Ranch vineyard and the 40 acre Quistorff vineyard remained. Both had been abandoned by the mid-1960's.

During the 1970's Ben Lomond Mountain experienced a viticultural renaissance in and around the town of Bonny Doon. In 1972, the University of California Agricultural Extension Service released a study of climatologically prime growing areas for several commercial crops, including wine grapes. This study, entitled California's Central Coast: Its Terrain, Climate, and Agro-Climate Implications, established Ben Lomond Mountain as being a prime growing region for wine grape production. This report stirred the interest of several individuals in the region. Since then, nine separate vineyard operations have been established within the proposed Ben Lomond Mountain Viticultural Area.

Geographical/Climatological Features

The petitioner claims the proposed viticultural area is distinguished from surrounding areas by differences in topography, soils, and climate. The petitioner bases these claims on the following:

(a) *Topography.* Ben Lomond Mountain rises directly from the California coastline to an altitude of 2,630 feet above sea level. This mountain region is bordered by the Pacific Ocean to the west, the San Lorenzo River Basin to the east, the city of Santa Cruz (and river mouth of the San Lorenzo) to the south, and Scott Creek and Jamison Creek on the northwest and northeast sides, respectively. The proposed Ben Lomond Mountain Viticultural Area is approximately 15 miles long and an average of four miles wide, defined by its borders which generally coincide with the 800-foot elevation level.

(b) *Soils.* The geophysical boundaries of the Ben Lomond Mountain region become apparent when examining the geologic stratigraphy of the area. Ben Lomond Mountain is comprised of a large geologic structure known as a pluton, composed primarily of granitic rocks (quartz diorite), with some intrusions of metamorphic rocks (quartzite and pelitic schists). This plutonic structure distinguishes Ben Lomond Mountain from surrounding areas and is unique within viticulturally viable growing areas in the Santa Cruz Mountains. The bedrock formations are covered at the lower elevations and isolated tablelands by depositions of sandstone, primarily Santa Margarita sandstone and to a lesser extent Santa Cruz Mudstone. The combination of the granitic quartz diorite and metasedimentary rock structures with

the sandstone deposits and forest detritus forms a variety of soil complexes which are generally described as slightly acidic, sandy loams. The resultant topsoil complexes are well-drained and deep, lending themselves readily to successful viticulture as demonstrated by past and present vineyards in the area.

(c) *Climate.* (1) The Ben Lomond Mountain area is particularly distinguishable by climatological evidence. Ben Lomond Mountain presents the first major obstruction to marine weather patterns. Winter storms lose much of their moisture on the western slope of coastal hills and mountains where the warm, moisture-laden marine air is lifted and cools, precipitating in fogs or rainfall. As a result, Ben Lomond Mountain draws much of the precipitation from marine air that moves onshore between the city of Santa Cruz and Ano Nuevo point. Consequently, Ben Lomond Mountain receives the highest average amount of precipitation in Santa Cruz County at 60 inches.

(2) During the summer, the mountain forms a barrier against the low-lying fogs that inundate the shore and coastal valleys. This fogbelt generally rests between the 400- and 800-foot elevations along the western slope of Ben Lomond Mountain. Above this level, the marine air climate tends to give way to a low mountain climate where abundant sunshine is characteristic of the summer months.

(3) The 1972 University of California climatological study of prime growing areas for commercial crops demonstrates the suitability of the climate afforded by Ben Lomond Mountain for wine grape production. Of special interest is the delineation of a "premium wine grape production thermal" existing along the ridgeline of the mountain above 1,500 feet.

Proposed Boundaries

The boundaries of the proposed Ben Lomond Mountain viticultural area may be found on four U.S.G.S. maps. The maps are 7.5 minute series with a scale of 1:24000. The four maps are titled Davenport Quadrangle (1955, photorevised 1968), Big Basin Quadrangle (1955, photorevised 1973), Felton Quadrangle (1955, photorevised 1980) and Santa Cruz Quadrangle (1954, photorevised 1981). The specific description of the boundaries of the proposed viticultural area is found in the proposed regulations which immediately follow the preamble to this notice of proposed rulemaking.

Executive Order 12291

It has been determined that this proposal is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, States, or local government agencies, or geographic regions; and it will not have significant adverse effects, on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory analysis (5 U.S.C. 603, 604) are not applicable to this notice because the proposal, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The prinicipal author of this document is Robert L. White, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

27 CFR Part 9, *American Viticultural Areas*, is amended to read as follows:

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.118 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

§ 9.118 Ben Lomond Mountain.

Par. 3. Subpart C is amended by adding § 9.118 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.118 Ben Lomond Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Ben Lomond Mountain."

(b) *Approved maps.* The appropriate maps for determining the boundaries of

the Ben Lomond Mountain viticultural area are four 7.5 minute series U.S.G.S. maps. They are titled:

(1) Davenport Quadrangle (1955, photorevised 1968);

(2) Big Basin Quadrangle (1955, photorevised 1973);

(3) Felton Quadrangle (1955, photorevised 1980); and

(4) Santa Cruz Qaudrangle (1954, photorevised 1981).

(c) *Boundaries.* The Ben Lomond Mountain viticultural area is located entirely within Santa Cruz County, California, which is in the central part of the State near the coast. The beginning point is the intersection of Sections 25, 26, 35 and 36 (Davenport Quadrangle, T. 10S., R. 3W.) which coincides with the 800-foot contour line and is approximately .6 mile northwest of the top of Bald Mountain.

(1) From the beginning point, the boundary follows the 800-foot contour line in a meandering manner in a generally northesterly direction across Section 26 into Section 27 (T. 10S., R. 3W).

(2) Thence along the 800-foot contour line in an easterly and then generally a northweasterly direction through Section 27 and then back across the northwest corner of Section 26 and thence in a generally northwesterly direction along the 800-foot contour line across Sections 23, 22 and into Section 15.

(3) Thence along the 800-foot contour line in a northerly and then a southerly direction across Section 22 and eventually in a generally northwesterly direction into Section 20.

(4) Thence continuing along the 800-foot contour line in a generally northwesterly direction through Sections 20, 17, 16, 17, 16, 9, 8, 5, 8, 7 and 6 (T. 10S., R. 3W.).

(5) Thence continuing in a northerly direction across Sections 5 and 32 and thence in a southwesterly direction across Sections 31 and 6.

(6) Thence continuing in a generally northerly direction across Sections 1, 6, 31, 36, 31, 36 and 30 (T. 9S., R. 3W.) to the intersection of the 800-foot contour line and Scott Creek in section 19 (T. 9S., R. 3W.).

(7) Thence in a northeasterly direction along the south bank of Scott Creek through Sections 19, 20 and 17 to the intersection of Scott Creek with the 1,600-foot contour line in Section 16 (T. 9S., R. 3W.).

(8) Thence in a generally northweasterly and then southerly direction along the 1,600-foot contour line through Section 16 and then through the southeast and southwest corners of Sections 9 and 10 respectively to the intersection of the 1,600-foot contour line with Jamison Creek in Section 16 (T. 9S., R. 3W.).

(9) Thence in an easterly direction along the south bank of Jamison Creek across Sections 15 and 14 (T. 9S., R. 3W.) to the intersection of Jamison Creek and the 800-foot contour line in the southeast corner of Section 14 (T. 9S., R. 3W.).

(10) Thence in a southeasterly direction in a meandering manner along the 800-foot contour line across Sections 14, 23, 24, 25 (T. 9S., R. 3W.), Sections 30 and 31 (T. 9S., R. 2W.), and Sections 32, 5, 8, 9, 16, 17 and 21 (T. 10S., R. 2W.).

(11) Thence in a southwesterly, then generally a southeasterly and then a northwesterly direction along the 800-foot contour line in a meandering manner to Section 31 and then continuing on through Sections 31 and 30 (T. 10S., R. 2W.).

(12) Thence continuing along the 800-foot contour line in a generally southerly and then a generally northwesterly direction through Sections 25, 36, 31 and 36 to the point of beginning at the intersection of Sections 25, 26, 35 and 36 (T. 10S., R. 3W.).

Approved: April 17, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-9438 Filed 4-24-87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7 87-06]

Drawbridge Operations Regulations; Sanibel Causeway, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Lee County Department of Transportation, the Coast Guard is considering a change to the regulations governing the Sanibel Causeway bridge at Punta Rassa, Florida, by extending weekday opening restrictions by 30 minutes and by adding opening restrictions on weekend and holiday afternoons. This proposal is being made because of complaints about vehicular traffic dalays. This action should accommodate the needs of highway traffic and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 11, 1987.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130-1608. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida. Normal office hours are from 7:30 a.m. to 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne D. Lee, Chief, Bridge Section, Seventh Coast Guard District, telephone (305) 536-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information: The drafters of this notice are Mrs. Zonia C. Reyes, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Proposed Regulations: The Sanibel Causeway bridge currently opens on signal, except that from 3:45 p.m. to 4:45 p.m., Monday through Friday, except Federal holidays, the draw is required to open only 4:15 p.m for the passage of vessels. Lee County has asked that the period of restricted opening be extended to 5:15 p.m., with an opening at 4:45 p.m., and that the restrictions apply seven days a week. Drawbridge operation records and traffic counts show that extending the weekday restrictions to 5:15 p.m. would have only minimal impacts on navigation and may improve the flow of vehicular traffic. Weekend and holiday highway traffic volume is smaller and the number of boats requiring bridge openings is greater. We believe that opening the bridge at 15-minute intervals on weekend and holiday afternoons would allow accumulated vehicular traffic to disperse between openings, while still providing for the reasonably prompt passage of vessels.

Economic Assessment and Certification: These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation

regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulation allows for tugs with tows to pass at any time. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.317(k) is revised to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.317 Okeechobee Waterway.

* * * * *

(k) *Sanibel Causeway.* The draw of the Sanibel Causeway bridge, mile 151.0, at Punta Rassa shall open on signal; except that from 3:45 p.m. to 5:15 p.m., Monday through Friday, except Federal holidays, the draw need open only at 4:15 p.m. and 4:45 p.m. On Saturdays, Sundays, and Federal holidays from 3:45 p.m. to 5:15 p.m., the draw need open only at 4 p.m., 4:15 p.m., 4:30 p.m., 4:45 p.m. and 5 p.m. Exempt vessels shall be passed at any time.

Dated: April 16, 1987.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 87–9446 Filed 4–24–87; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL–3199–4]

State Underground Injection Control Programs; Illinois

AGENCY: U. S. Environmental Protection Agency (U.S. EPA).

ACTION: Notice of public hearing and public comment period.

SUMMARY: U.S. EPA announces a public hearing and public comment period regarding withdrawal of approval of Illionis' Class II Underground Injection Control (UIC) program administered by the Illinois Department of Mines and Minerals (IDMM). The State currently has primary enforcement responsibility for this program under section 1425 of the Safe Drinking Water Act (SDWA), as amended, 42 U.S.C. 300h–4. This action is the second step in the withdrawal process established in 40 CFR 145.34(b). Withdrawal of approval would, if completed, divest Illinois of primary enforcement responsibility under the SDWA to regulate Class II injection wells within the State, and U.S. EPA would then promulgate and administer an UIC program to regulate Class II injection wells in Illinois.

U.S. EPA is proceeding with a public hearing and public comment period to discuss withdrawal of the State's Class II UIC program, because Illinois has not demonstrated that it has a program which is in compliance with U.S. EPA's program requirements, or is presently effective in protecting underground sources of drinking water.

A public hearing, to discuss the Illinois Class II UIC program and the U.S. EPA action to proceed with withdrawal of approval of the program, will be held on July 8, 1987, at 10 a.m. to 3 p.m., at the following location: Rend Lake College Theater, Rend Lake College, RR #1, Ina, Illinois.

At the public hearing, all interested persons shall be given opportunity to make written or oral presentations on the State's 1425 program and the U.S. EPA action to withdraw approval of it. In addition, comments may be submitted as provided below.

DATES: Comments on the Illinois Class II UIC program on the U.S. EPA action to proceed with withdrawal of approval of the program must be received by August 7, 1987. As discssed above, a public hearing will be held on July 8, 1987.

ADDRESSES: Copies of documents regarding this action are available at the following addresses for review: (It is recommended that you telephone John Taylor, at (312) 886–4299, before visiting the Region V offices.)

Underground Injection Control Section (5WD–TUB–09), Safe Drinking Water Branch, Region V, U. S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

C.E. Brehm Library, 101 South Seventh Street, Mt. Vernon, Illionois

Open: 9 a.m.–8 p.m. M–F, 11 a.m–5 p.m. Sat. 1 p.m.–5 p.m. Sunday.

As discussed above, a public hearing will be held at: Rend Lake College Theater, Rend Lake College, RR #1, Ina, Illinois.

Comments on U.S. EPA's proceeding to withdraw approval of the Illinois Class II UIC program, or on the State program itself, should be submitted at the public hearing or addressed to: (Please submit an original and three copies, if possible.) Mr. Edward P. Watters, Chief, Underground Injection Control Section (5WD–TUB–09), Safe Drinking Water Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. John Taylor, Safe Drinking Water Branch (5WD–TUB–09), U. S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–4299.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1981, Illinois applied for primary enforcement responsibility (primacy) for the State's Class II UIC program under section 1425 of the SDWA. The SDWA established the Class II UIC program to protect underground sources of drinking water (USDW) from possible adverse impacts that could result from the improper injection of fluids associated with the production of oil and gas.

On February 1, 1984, the U.S. EPA granted primacy to Illinois. The State designated the IDMM as the implementing agency. This authorization of primacy is codified at 40 CFR 147.701. In approving Illinois' primacy, U.S. EPA also approved the State's program description, Memorandum of Agreement, and associated program commitments from the IDMM. These program commitments included implementing an effective program of regulations and enforcement to ensure that USDW would be protected.

In April 1985, the U.S. EPA conducted a routine evaluation of the State's Class II program administered by the IDMM. The evaluation raised a number of questions about the program; and, as a result, the U.S. EPA conducted a detailed, in-depth evaluation which culminated in the report entitled, *Evaluation of the Illinois Department of Mines and Minerals, Division of Oil and Gas, Class II Underground Injection Control Program Report.* This report outlined a number of concerns that the U.S. EPA had about the program and its ability to ensure protection of USDW. The report included corrective actions

that needed to be instituted by IDMM in order to achieve a program that would be effective in protecting USDW. This report was transmitted to the Director of the IDMM on December 13, 1985.

Since the initial evaluation, U.S. EPA has pursued negotiations with the IDMM and with the Governor's office. To date, the State has failed to make the appropriate and required program changes.

Illinois 1425 Program Deficiencies

The report, *Evaluation of the Illinois Department of Mines and Minerals, Division of Oil and Gas, Class II Underground Injection Control Program Report*, outlined and documented areas of the program that are deficient in ensuring that USDW would be protected. The deficiencies include the following:

- The IDMM has failed to ensure adequate protection of USDWs because of deficiencies in permits issued for injection wells. There has been no evidence to show that information on USDW, confining layers, and well logs, for example, is evaluated in making injection well permit determinations. Information concerning confining layers, locations of USDW, and well logs is not completed in permit applications. Since all permits are preprinted with the Director's signature, there is no way to verify that these permits have an adequate technical review, or that they are complete and valid permits. IDMM injection well permits contain no monitoring, reporting and recordkeeping requirements by which continuous compliance can be controlled.
- IDMM also has not effectively ensured that all Class II wells demonstrate mechanical integrity every 5 years. A well must have mechanical integrity in order to ensure that fluids are injected at the depth required in the permit. An estimated two-thirds of the State's Class II well operators have not complied with the mechanical integrity requirements.
- The IDMM has failed to require and/or enforce operator reporting requirements. Most operators do not report the results of their monitoring, as required in the State's regulations.
- IDMM does not operate an effective program to enforce against violations that endanger USDW. It has been left to the discretion of local field inspectors to initiate enforcement actions. U.S. EPA did not find any cases where such enforcement actions had occurred that involved injection activities, despite citizen complaints and widespread noncompliance.

Withdrawal Procedure

Section 1425 of the SDWA and the guidance published in connection therewith do not contain express procedures for the withdrawal of a section 1425 program. U.S. EPA has promulgated procedures for the analogous situation of withdrawing a section 1422 program at 40 CFR 145.34. In lieu of express provisions, U.S. EPA is following the 1422 procedures in considering withdrawal of the Illinois' 1425 program.

On December 12, 1986, the Administrator of the U.S. EPA notified the Governor of Illinois of his decision to initiate the process to withdraw approval of the Illinois 1425 program. The Administrator reached this decision after negotiations among U.S. EPA, IDMM, and the Governor's office failed to correct the identified program deficiencies.

The Administrator's notice to the Governor of Illinois constituted the first step in the withdrawal process; and, according to the procedures outlined in 40 CFR 145.34(b), the State was given 30 days after receipt of the notice to demonstrate that its 1425 program ensures that USDW are protected.

Illinois responded to the Administrator's notice in a letter dated January 14, 1987, and in a meeting with U.S. EPA officials on January 15, 1987. The State, however, has not demonstrated that the identified program deficiencies have been corrected or that the Illinois 1425 program ensures protection of USDW. Therefore, in accordance with 40 CFR 145.34(b)(2), the Administrator is soliciting comments on the withdrawal of the Class II UIC program from the IDMM. This constitutes the second step in the withdrawal process. Following the public hearing and public comment period, U.S. EPA will fully evaluate the record. If U.S. EPA finds that the State is not in compliance, the Administrator will notify the State that the Class II UIC program is being withdrawn. Within 90 days of receipt of that notification, Illinois must fully implement the necessary actions to ensure protection of USDW, or the Class II UIC program will be withdrawn.

Program approval will not be withdrawn if Illinois can demonstrate that it has an effective 1425 program, prior to a final determination to withdrawn approval of the program. If U.S. EPA does withdraw approval of the Illinois Class II program, it will propose, promulgate and implement a Federal program for Class II wells located in Illinois.

U.S. EPA is providing a public comment period regarding withdrawal of the Illinois Class II UIC program under section 1425 of the SDWA. Public comments received on or before August 7, 1987, will be considered in U.S. EPA's final evaluation of the ability of the Illinois 1425 program to ensure protection of USDW.

A public hearing will be held on July 8, 1987, at 10 a.m. to 3 p.m. at the following location: Rend Lake College Threater, Rend Lake College, RR #1, Ina, Illinois.

The hearing will be an administrative hearing to accept comments regarding the Illinois Class II UIC program and the U.S. EPA action to proceed with withdrawal of approval of the program.

Authority: 42 U.S.C. 300f-300j.

Dated: April 16, 1987.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 87-9439 Filed 4-24-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-97, RM-5598]

Radio Broadcasting Services; Laughlin, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Saguaro Broadcasting to allocate Channel 300C1 to Laughlin, Nevada, as the community's first local FM service. Channel 300C1 can be allocated in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. However, since Laughlin is not listed in the 1980 U.S. Census, petitioner is requested to provide further information to show that the area is a "community" for allocation purposes. Absent such a showing, the allotment may not be made.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Eugene L. Burke, Esq., Burke & Burke, P.O. Box 439, Falls Church, Virginia 22046.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–97, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 30), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9414 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–94, RM–5584]

Radio Broadcasting Services; Mesquite, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to allocate Channel 248C1 to Mesquite, Nevada, as the community's first local FM service, at the request of Dale G. Gardner. Channel 248C1 can be allocated to Mesquite in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Petitioner is requested to furnish data showing that Mesquite is a community for allotment purposes since it is not listed in the 1980 U.S. Census.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dale G. Gardner, 781 N. Valley View Drive, #28, St. George, Utah 84770 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–94, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9415 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–98, RM–5609]

Radio Broadcasting Services; Socastee, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Cat Communications requesting the allocation of Channel 258A to Socastee, South Carolina, as the community's first local FM service. The channel can be allocated in compliance with the Commission's minimum distance separation requirements, without a site restriction, contingent upon Station WZFX, Channel 256 at Whiteville, North Carolina, being licensed with the Class C1 facilities specified in its outstanding construction permit (BPH–851226ID).

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Earl R. Stanley, Esq, Kenneth E. Satten, Esq., Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., 6th Floor, Washingtion DC 20006 (Counsel to petitioner)

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–98, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription service, (202) 857–3800, 2100 M Street, NW. Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexbility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9416 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-89, RM-5680]

Radio Broadcasting Services; Manchester, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Roger Howell Dotson and James Brittan Gilmore proposing the allotment of Channel 268A to Manchester, Tennessee, as that community's second FM service. A site restriction of 9.0 kilometers (5.6 miles) southwest of the community is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Roger H. Dotson and James B. Gilmore, 1600 McArthur Drive, Manchester, Tennessee 37355 (Petitioners).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-89, adopted March 13,, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contract.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9417 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-95, RM-5648]

Radio Broadcasting Services; Anson, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by George L. Chambers proposing the substitution of Channel 251C2 for Channel 252A at Anson, Texas and modification of the construction permit for Station KTCE(FM), Channel 252A, Anson, to specify operation on Channel 251C2, as that community's first wide area coverage FM service.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: David M. Hunsaker, Esquire, Putbrese & Hunsaker, 6800 Fleetwood Road, P.O. Box 539, McLean, Virginia 22101 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-95 adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9418 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-88, RM-5523, 5578]

Radio Broadcasting Services; Raymondville and Alice, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on petitions by Edgar L. Clinton, licensee of Station KSOX-FM, Channel 269A at Raymondville, Texas and Alice Broadcasting Corporation, licensee of Station KBIC(FM), Channel 272A at Alice, Texas, proposing the substitution of Channel 271C2 for Channel 269A at Raymondville or for Channel 272A at Alice, Texas, and modification of their licenses to specify operation on the new channel. The substitution could provide either community with its first wide area coverage FM station. The Raymondville proposal requires a site restriction of 17.3 kilometers (10.8 miles) north of the community. A site restriction of 15.5 kilometers (9.6 miles) south of Alice is required. Also concurrence by the Mexican government is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioners, or their counsel or consultant, as follows: Jerrold Miller, Esquire, Miller & Fields, P.O. Box 33003, Washington, DC 20033 (Counsel to Edgar L. Clinton) and John R. Wilner, Esquire, Gary P. Schonman, Bryan, Cave, McPheeters & McRoberts, 1015 Fifeenth Street, NW., Suite 1000, Washington, DC 20005 (Counsel for Alice Broadcasting Corporation).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–88, adopted February 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Commications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9419 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–96, RM–5656]

Radio Broadcasting Services; Morrisville, VT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The document requests comments on a petition by Peter Morton proposing the allotment of Channel 230A to Morrisville, Vermont, as that community's first FM service. Canadian concurrence is required.

DATES: Comments must be filed on or before June 8, 1987, and reply comments on or before June 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Peter Morton, P.O. Box 1303, Burlington, VT 05402 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–96, adopted March 27, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9420 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–91, RM–5678]

Radio Broadcasting Services; Sunderland, VT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Timothy Dodge proposing the allotment of Channel 236A to Sunderland, Vermont, as that community's first FM service. A site restriction of 2.4 kilometers (1.5 miles) northwest of the community is required. Canadian concurrence is also required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Timothy Dodge, Harvest Broadcasting Services, Box 105FM, Hinsdale, NH 03451 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–91, adopted March 13, 1987, and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–9421 Filed 4–24–87; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 87-92, RM-5422, RM-5618, RM-5670]

Radio Broadcasting Services; Cedar Bluff and Richlands, VA et al.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on three mutually exclusive petitions by Cedar Bluff Broadcasting Inc., Clinch Valley Broadcasting Corporation and Jama Burnette proposing the allotment of Channel 299A to Cedar Bluff, Richlands, Virginia or Welch, West Virginia, respectively. The channel could provide a first FM service at either Cedar Bluff or Welch; or Richlands with its second FM service. Cedar Bluff requires a site restriction of 2.3 kilometers (1.4 miles) north of the community. A site restriction of 3.5 kilometers (2.2 miles) north of Richlands is required.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

David Tillotson, Esquire, Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036-5339;

(Counsel to Cedar Bluff Broadcasting, Inc.)

Earl R. Stanley, Esquire, Kenneth E. Satten, Esquire, Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, NW., 6th Floor, Washington, DC 20006;

(Counsel for Clinch Valley Broadcasting Corporation)

John B. Kenkel, Esquire, Kenkel, Barnard & Edmundson, Suite 202, 1220 Nineteenth Street, NW., Washington, DC 20036, (Counsel for Jama Burnette.)

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-92, adopted March 27, 1987 and released April 17, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch Mass Media Bureau.

[FR Doc. 87-9422 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-90, RM-5637]

Radio Broadcasting Services; Walla Walla, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Blanche Marie Hodgins, proposing the substitution of Channel 264C2 for Channel 265A at Walla Walla, Washington and modification of the construction permit for Station KHSS(FM), Channel 265A, Walla Walla to specify operation on Channel 264C2, as that community's fourth expanded service station.

DATES: Comments must be filed on or before June 5, 1987, and reply comments on or before June 22, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Jeffrey D. Southmayd, Esquire, Southmayd, Powell & Taylor, 1764 Church Street, NW., Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-90, adopted March 13, 1987, and released April 17, 1987. The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures or comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-9423 Filed 4-24-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 393 and 396

[OMCS Docket No. MC-113, Notice No. 87-02; and OMCS Docket No. MC-127, Notice No. 87-01]

Parts and Accessories Necessary for Safe Operation; Inspection, Repair, and Maintenance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment periods.

SUMMARY: The FHWA issued two notices of proposed rulemaking (NPRM) which were published in the **Federal Register** on February 26. Both comment periods are scheduled to close on April 27. The FHWA has received four formal requests for extensions of these comment periods and has been advised that additional requests will be forthcoming. The comment period is, therefore, being extended 60 days. No

further requests for extension will be considered on either of these rulemaking actions.

DATE: Comments must be received on or before June 29, 1987.

ADDRESS: All comments should refer to the docket number which appears at the top of this document and must be submitted (preferably in triplicate) to Room 3404, Office of Motor Carrier Standards, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination, at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366–2999; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 366–1352, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The American Trucking Association, Inc., has requested a 62-day extension. The Commercial Vehicle Safety Alliance and the Tank Truck Manufacturers Association have requested a 90-day extension. The National Association of Regulatory Utility Commissioners asked for a one-week extension of time. All petitioners cited the complexity and controversial nature of the rulemakings as the reasons for needing additional time to prepare substantive responses. The FHWA anticipates receiving similar requests from other organizations in the transportation industry.

These rulemaking actions encompass approximately 51 percent of the present Federal Motor Carrier Safety Regulations and address more than 75 separate items of subject matter. The FHWA, therefore, concludes that requests to extend the comment periods have merit. Accordingly, the comment periods for both dockets are being extended until Monday, June 29, 1987.

List of Subjects in 49 CFR Parts 393 and 396

Highways and roads, Highway safety, Motor carriers, Motor vehicle safety, Parts and accessories, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety).

Issued on: April 23, 1987.

Ray Barnhart,

Federal Highway Administrator.

[FR Doc. 87–9571 Filed 4–24–87; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 87-003N]

Exemption for Retail Stores; Adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the dollar limitations currently in effect on the annual sales of meat and poultry products that can be sold by retail stores exempt from Federal inspection requirements to consumers other than household consumers, such as hotels, restaurants and similar institutions, have been adjusted to conform with price changes for meat and poultry products as indicated by the Consumer Price Index. The dollar limitation for meat products increases from $28,800 to $30,500 for calendar year 1987 and the dollar limitation for poultry products increases from $28,200 to $31,000 for calendar year 1987.

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Stafko, Director, Policy Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-8168.

Background

Federal inspection of meat and poultry products prepared for sale or distribution in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection ". . . shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities . . . to consumers. . . ."

FSIS regulations (9 CFR 303.1(d) and 381.10(d)) define retail stores that qualify for exemption from routine Federal inspection under the FMIA or PPIA. Whether or not FSIS deems an establishment to be an exempt retail establishment depends, in part, upon the percentage and volume of its trade with consumers other than household consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. During calendar year 1986, the maximum amount for meat products, was $28,800; for poultry products, the amount was $28,200.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) further provide that the dollar limitation on product sales by retail stores to consumers other than household consumers will be automatically adjusted during the first quarter of each calendar year whenever the Consumer Price Index, published by the Bureau of Labor Statistics (BLS), Department of Labor, indicates a change during the previous year in the price of the same volume of product exceeding $500, upward or downward. The regulations also require that notice of the adjusted dollar limitation be published in the **Federal Register.**

The BLS Consumer Price Index for 1986 indicates a price increase in meat products of 6.0 percent and a price increase in poultry products of 9.8 percent. As a percentage of the existing dollar limitation, a change in excess of $500 is indicated for both meat and poultry products. When rounded off to the nearest $100, the price increase for meat products amounts to $1,700 and the price increase for poultry products amounts to $2,800.

Accordingly, FSIS, in accordance with §§ 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) of the regulations, has automatically increased the dollar limitations on product sales to consumers other than household consumers by establishments operating as retail establishments exempt from Federal inspection requirements. Therefore, the dollar limitations for 1986 have been adjusted to $30,500 for meat products and $31,000 for poultry products.

Done at Washington, DC, on: April 22, 1987.

Donald L. Houston,

Administration, Food Safety and Inspection Service.

[FR Doc. 87-9455 Filed 4-24-87; 8:45 am]
BILLING CODE 3410-DM-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-605]

Final Determination of Sales at Less Than Fair Value; Malleable Cast Iron Pipe Fittings From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that certain malleable cast iron pipe fittings from Japan (pipe fittings) are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to continue to suspend liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: April 27, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5332 or 377-5288.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that pipe fittings from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by Hitachi Metals Limited (Hitachi) during the period of investigation, March 1, 1986 through August 31, 1986. Comparisons were based on United States price and foreign market value, which was based on home market prices. The weighted-average margins are listed in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On August 29, 1986, we received a petition filed in proper form by the Cast Iron Pipe Fittings Committee on behalf of the domestic manufacturers of pipe fittings. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on September 18, 1986 (51 FR 34110, September 25, 1986), and notified the ITC of our action. On October 14, 1986, the ITC found that there is a reasonable indication that imports of pipe fittings from Japan are materally injuring a U.S. industry (USITC Pub. No. 1900).

On October 16, 1986, we presented an antidumping duty questionnaire to Hitachi. We requested a response in 30 days. On October 30, 1986, respondent requested an extension of the due date for the questionnaire response. We granted a two-week extension. We received a response on December 8, 1986. On December 24, 1986, the Department requested supplemental information. A supplemental response was received on January 8, 1987.

On January 15 and February 9, 1987, we requested further information from Hitachi. On February 20, 1987, supplemental responses were received from that company. On February 5, 1987, we made an affirmative preliminary determination (52 FR 4635, February 13, 1987).

As required by the Act, we afforded interested parties an opportunity to submit oral and written comments addressing the issues arising in this investigation. A public hearing was scheduled on April 3, 1987, as requested by the respondent. On March 26, 1987, respondent withdrew its request for a public hearing. Written comments on the issues arising in this investigation were submitted by both interested parties.

Scope of Investigation

The products covered by this investigation are malleable cast iron pipe fittings, advanced in condition by operations or processes subsequent to the casting process other than with grooves, or not advanced, of cast iron other than alloy cast iron, as currently provided for in items 610.7000 and 610.7400 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared the United States purchase price and exporter's sales price with the foreign market value, based on home market prices.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for certain sales since the merchandise was purchased by the unrelated U.S. customer directly from the foreign manufacturer prior to importation. As provided in section 772(c) of the Act, we used the exporter's sales price of the subject merchandise to represent the United States price when the merchandise was imported into the U.S. by a party related to the exporter and subsequently sold to unrelated purchasers in the United States.

We calculated purchase price based on the packed, c.i.f. delivered, duty paid, prices to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, brokerage, U.S. duty, and U.S. inland freight. We calculated exporter's sales price by deducting, where appropriate, foreign inland freight, ocean freight, marine insurance, Japanese brokerage, U.S. duty, U.S. brokerage, U.S. inland freight and discounts. We also made a deduction for credit expenses and other selling expenses.

Foreign Market Value

In accordance with section 773(a) of the Act, we used home market delivered prices of such or similar merchandise to determine foreign market value. Hitachi had made a small portion of sales to its related firm in Japan. We found the prices between Hitachi and its related purchaser to be "comparable" to prices to its unrelated purchasers. Accordingly, we based our calculation of foreign market value on delivered, packed, prices to all purchasers. When comparing purchase price to foreign market value, we made deductions, where appropriate, for discounts, rebates, and inland freight. We made an adjustment for differences in circumstances of sales in accordance with § 353.15 of our regulations for differences in advertising and credit expenses between the two markets. Where sales involved unrelated party commissions, indirect selling expenses were granted as an offset for the cost of the U.S. commission expenses in accordance with § 353.15(c) of the Commerce Regulations.

When comparing exporter's sales price to the home market price, we made deductions, where appropriate, for discounts, rebates, and inland freight. We also deducted advertising, credit expenses and indirect selling expenses from the home market price but limited the deduction for home market indirect selling expenses to the amount of the U.S. indirect selling expenses.

For those pipe fittings where there were no identical products in the home market with which to compare products sold to the United States, we made adjustments to similar merchandise to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. These adjustments were based on differences in the costs of materials, direct labor and directly related factory overhead.

Hitachi claimed an adjustment for the cost of pre- and post-sale loading of the merchandise at the warehouse. We do not allow adjustments for pre-sale costs of loading merchandise into the warehouse as this is viewed as an indirect expense which occurs prior to sale. Accordingly, since we would only allow the post-sale loading charge from the warehouse as an adjustment, and because Hitachi was unable to separate that portion of the overall costs associated with this loading, we have not allowed this claim. Respondent has withdrawn the claim for an adjustment for other warehousing expenses.

We did not allow a claim for Hitachi's liability insurance premium expense as a circumstance of sale adjustment because the claimed costs were not directly related to sales as required by § 353.15 of the Commerce Regulations.

We deducted home market packing costs and added the packing costs incurred on sales to the United States.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Japanese yen to U.S. dollars in accordance with § 353.15(a)(1) of our regulations. For comparisons involving exporter's sales price transactions, we used the official certified Federal Reserve exchange rate on the date of sale to the first unrelated purchaser pursuant to section 615 of the Trade and Tariff Act of 1984 (the 1984 Act). We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations.

Verification

As provided in section 776(a) of the Act, we verified all information provided by the respondent, using standard verification procedures, including examination of accounting records and original source documents containing relevant information on selected sales.

Petitioner's Comments

Comment. The petitioner urges the Department to use the monthly average packing cost instead of the average cost for the entire investigative period. Also, since the contractor who performs packing is related to Hitachi, it is not clear whether the packing costs are derived from "arm's length transactions."

DOC Position. It is our usual practice to use the verified average packing cost for the period of investigation. We verified that the slightly higher cost for domestic packing is due to increased labor costs, since domestic cartons are larger and there is greater automation in export packing.

Comment 2. The petitioner urges the Department to correct the errors on the credit cost and discounts found during the verification before making its final determination.

DOC Position. We agree and have made these corrections.

Respondent's Comments

Comment 1. Hitachi argues that, for converting the yen to dollars in calculating exporter's sales price (ESP), the Department should use the exchange rate on the date of exportation of the merchandise. The respondent argues that the Department should follow § 353.56(a)(2) of the regulations to govern the currency conversion rather than section 615 of the 1984 Act because the Department has not changed its regulation to comply with the 1984 Act.

Moreover, Commerce cannot modify its practice without following the notice and comment requirements of the Administrative Procedure Act (APA).

DOC Position. We disagree. Section 615 of the 1984 Act has superseded 19 CFR 353.56(a)(2). Section 615 requires us to use a comparison home market price at the time of the ESP sale to an unrelated purchaser. Respondent would have us apply the exchange rate in effect on the date of export to a home market sale transaction made at a much later date. This result could not have been intended by Congress. Since the effective date of the 1984 Act, the Department has consistently followed section 615 in order to give effect to Congressional intent. In accordance with the APA, the Department has proposed an amendment to 19 CFR 353.56(a)(2) to bring it into compliance with section 615 (Proposed 353.60, 51 FR 29046, 29074, August 13, 1986).

Comment 2. Hitachi claims that the Department should apply § 353.56(b) of the Regulations, the "special rule" for temporary exchange rate fluctuation.

DOC Position. The period of investigation was characterized by a substantial depreciation of the dollar against the yen. Indeed, this trend was apparent for at least several months prior to the period of investigation. The dollar/yen exchange rate was clearly subject to a sustained change during the period of investigation. The regulation provides that respondents "will be expected to act within a reasonable period of time to take into account price differences resulting from sustained changes in prevailing exchange rates." The Department will consider lagging the exchange rates used in fair value investigations when respondents can show that they have acted within a reasonable period of time to adjust their prices in response to the change. In this case, application of the "special rule" is not warranted because the respondent failed to adjust its prices.

Because respondent has alleged that the period of investigation was characterized by temporary exchange rate fluctuations, we have also considered the second part of § 353.56(b) which provides that "no differences between the prices being compared resulting solely from such [temporary] exchange rate fluctuations will be taken into account in fair value investigations." We have determined that the margins in this investigation did not result solely from any temporary fluctuations. (We have considered temporary exchange rate fluctuations to have taken place on any day on which the exchange rate varied by five percent or more from the quarterly rate.)

Comment 3. Respondent argues that since sales are made under confirmed orders in U.S. dollars between Hitachi Metals, Ltd (HML) in Japan and its importer, Hitachi Metals International (HMI) in the United States, the only exchange rares that would be relevant would be the rates in effect on the date of order and the date of payment.

DOC Position. We disagree. Section 615 of the 1984 Act requires us to determine foreign market value by reference to the home market price at the time of the sale in the United States to the first unrelated purchaser. Since HMI is a wholly-owned subsidiary of HML, HMI is a related party to the exporter, and we must use the date of sale to the first unrelated purchaser as the date for comparison with home market sales. For the reasons explained in response to respondent's Comment 2, we used the exchange rate in effect on the date of the home market comparison sale.

Comment 4. Respondent argues that we should allow a "stock distribution discount" because the sales agreement shows this discount was verified.

DOC Position. We agree.

Comment 5. Hitachi argues that the charge for unloading merchandise at the warehouse and the charge for loading merchandise onto delivery trucks should be allowed as adjustments because they are both direct selling expenses, especially the loading charge which is a post-sale expense included in the delivered price charged to customers.

DOC Position. We disagree. The unloading charge is not a direct selling expense, since it is incurred whether the sale is made or not. We cannot grant an adjustment for the loading expense because respondent's submission combined unloading and loading charges, and we have no way to identify the amount attributable to loading charges.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of pipe fittings from Japan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, in accordance with section 733(d) of the Act. The United States Customs Service shall require a cash deposit or the posting of a bond on all

such entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margins (percentage)
Hitachi	57.39
All Others	57.39

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on pipe fittings from Japan entered, or withdrawn from warehouse, for consumption on or after the suspension or liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Lee W. Mercer,

Acting Assistant Secretary for Trade Administration.

April 21, 1987.

[FR Doc. 87-9452 Filed 4-24-87; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton, Wool, Man-Made Fiber and Other Vegetable Fiber Textiles and Textile Products From Jamaica

April 21, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 28, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202)377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Background

During recent consultations between the Governments of the United States and Jamaica, under the terms of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, agreement was reached to further amend the bilateral textile agreement to establish specific limits for cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845 and 445/446, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. Charges will be made to these limits as they become available. In addition, designated consultation levels were established for cotton and man-made fiber textile products in Categories 352/652 and 632, produced or manufactured in Jamaica and exported during the seven-month period which begins on June 1, 1987 and extends through December 31, 1987.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to control imports of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845, 352/652, 445/446 and 632 at the designated levels.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 28, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in Categories 341/641, 345/845, 352/652, 445/446 and 632, produced or manufactured in Jamaica and exported during the indicated periods, in excess of the following restraint limits:

Category	12-mo restraint limit[1] Jan. 1—Dec. 31, 1987
341/641	385,000 doz.
345/845	95,000 doz.
445/446	47,000 doz.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1986.

Category	7-mo restraint limit, June 1—Dec. 31, 1987
352/652	58,333 doz.
632	58,333 doz. pairs.

Textile products in the foregoing categories which have been exported to the United States. prior to January 1, 1987, in the case of Categories 341/641, 345/845 and 445/446; and June 1, 1987, in the case of Categories 352/652 and 632 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Donald R. Foote,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-9372 Filed 4-24-87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 20, 1987.

The USAF Scientific Advisory Board Tactical Cross-Matrix Panel will meet on May 14, 1987, from 8:00 A.M. to 5:00 P.M. at Headquarters, Tactical Air Command, Langley Air Force Base, VA.

The purpose of this meeting is to receive briefings on and to discuss programs affecting continental air defense.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-9374 Filed 4-24-87; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 12 May 1987 at the Stouffer Concourse Hotel, Crystal City, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DOD 4500.34R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1530 hours. Topics to be discussed should be received on or before 4 May 1987.

Dated: April 14, 1987.

Joseph R. Marotta,

Colonel, GS, Director of Personal Property.

[FR Doc. 87-9370 Filed 4-24-87; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 87-04-NG]

Order Granting Blanket Authorization To Import Natural Gas From Canada; Home Oil Resources Ltd.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Home Oil Resources Ltd. (Home Oil) blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87-04-NG authorizes Home Oil to import up to a maximum quantity of 73 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 17, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-9406 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-87-23; OFP Case No. 55118-9352-03-12]

Order Granting an Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978 to General Electric Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting exemption.

SUMMARY: On December 23, 1986, General Electric Company (GE or petitioner), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed new boiler house No. II, boiler #3 at its plant located in Mt. Vernon, Indiana. Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new major fuel burning installation or powerplant and prohibits the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501 and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found in 10 CFR 503.32.

Pursuant to section 212(g) of the Act and 10 CFR 503.32, ERA hereby issues this order granting a permanent exemption from the prohibitions of FUA for the proposed MFBI at the aforementioned installation.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on June 26, 1987.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC. 20585, Telephone (202) 586-8233

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6A-113, Washington, DC 20585, Telephone (202) 586-6947.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new MFBIs unless an exemption for such use has been granted by ERA. The petitioner has filed a petition for a permanent exemption to use natural gas or oil as a primary energy source in its facility located in Mt. Vernon, Indiana.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the **Federal Register** on February 3, 1987 (51 FR 3331), commencing a 45-day public comment period pursuant to section 701(c) of FUA.

Copies of the petition were provided to the Environmental Protection Agency as required by section 701(f). During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on March 20, 1987; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.32, and pursuant to section 212(g) of FUA, ERA hereby grants the petitioner's permanent exemption for the MFBI to be installed at its facility in Mt. Vernon, Indiana permitting the use of natural gas or oil as a primary energy source in the unit.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-9404 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-87-49; OFP Case No. 64016-9361-20-24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Live Oak Cogen, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On March 16, 1987, Live Oak Cogen, Inc, (Live Oak or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for one gas-fired combined cycle powerplant to be located in Kern County, California.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on cogeneration. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington DC, 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 11, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585.

Docket No. ERA C&E-87-49 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Coal of Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-093, Washington, DC 20585. Telephone (202) 586-9624

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW.,

Washington, DC 20585. Telephone (202) 586–6947

SUPPLEMENTARY INFORMATION: The proposed 45 megawatt unit is a gas-fired combined cycle unit consisting of a gas turbine and a waste heat recovery boiler. All of the electricity will be sold to Pacific Gas and Electric and the steam will be used in an enhanced oil recovery operation.

Section 212(c) of the Act and 10 CFR 503.37 provides for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.35(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the **Federal Register** (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a permanent cogeneration exemption from FUA is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–9403 Filed 4–24–87; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA C&E–87–46; OFP Case No. 66024–9363–20–24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Peter J. Pitchess Honor Rancho

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On March 23, 1987, Peter J. Pitchess Honor Rancho (Peter J. Pitchess or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for a combined-cycle, natural gas fired cogeneration plant to be located in Saugus, California. Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on cogeneration. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 11, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Docket No. ERA C&E–87–46 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Myra Couch, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA–093, Washington, DC 20585, Telephone (202) 586–6769.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue SW., Washington, DC 20585, Telephone (202) 586–6947.

SUPPLEMENTARY INFORMATION: The cogeneration equipment includes a gas turbine, a heat recovery generator and a steam turbine. The unit will have an electrical generating capacity of 25 MWs. The steam produced will be used in the institution to serve the laundry, air conditioning, hot water and produce electricity. More than 50% of electricity produced will be sold to Southern California Edison Company.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the **Federal Register** (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a cogeneration FUA permanent exemption, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC on April 16, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-9405 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board (ERAB).

Date and Time: May 13, 1987—8:30 a.m.–5:30 p.m., May 14, 1987—9:00 a.m.–12:00 Noon.

Place: Department of Energy, 1000 Independence Avenue, SW., Room 8E-089, Washington, DC 20585.

Contact: John E. Metzler, Department of Energy, Office of Energy Research, ER-6, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/586-5444.

Purpose of the Board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: The specific agenda items and times are subject to last minute changes. Visitors planning to attend for a specific topic should confirm the time prior to and during the day of the meeting.

Tentative Agenda

May 13, 1986

8:30 a.m.—Discussion of the Energy Security Report to the President
9:30 a.m.—Business Items
—Approval of February Meeting Minutes
—Schedule of ERAB Meetings for 1988
—Follow-up to Recent ERAB Reports
10:00 a.m.—Break
10:30 a.m.—Status of ERAB Study on R&D Initiatives for Energy Competitiveness
12:00 Noon—Lunch
1:00 p.m.—Discussions with Representatives from U.S. Industry, such as the Gas Research Institute and the Electric Power Research Institute on Energy R&D and U.S. Competitiveness
3:30 p.m.—Break
4:00 p.m.—Continuation of Discussions on Energy R&D and U.S. Competitiveness
5:20 p.m.—Public Comment (10 minute rule)
5:30 p.m.—Adjourn

May 14, 1987

9:00 a.m.—Discussion with Departmental Representatives on the ERAB Report "Geoscience Research for Energy Security"
10:00 a.m.—Discussion of Charge Letters for Research and Technology Utilization and for Education
11:00 a.m.—Concluding Discussion on R&D Initiatives for Energy Competitiveness
11:50 a.m.—Public Comment (10 minute rule)
12:00 Noon—Adjourn

Public Participation: The meeting is open to the public. The Chairman of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact John Metzler at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 20, 1987.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 87-9402 Filed 4-24-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 8464-001]

Shawano Hydro Associates; Surrender of Preliminary Permit

April 20, 1987.

Take notice that Shawano Hydro Associates, permittee for the proposed Hayman Falls Project No. 8464, has requested that its preliminary permit be terminated. The preliminary permit was issued on October 31, 1985, and would have expired on September 30, 1988. The project would have been located on Embarrass River in Shawano County, Wisconsin. The permittee states that the project would not be economically feasible to develop at this time.

The permittee filed the request on April 7, 1987, and the preliminary permit for Project No. 8464 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9392 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9283-001]

Summit Hydropower; Surrender of Preliminary Permit

April 20, 1987.

Take notice that the Summit Hydropower, permittee for the proposed

Fitchville Pond Project No. 9283, requested by letter dated March 30, 1987, that its preliminary permit be terminated. The preliminary permit was issued on October 18, 1985, and would have expired on October 31, 1988. The project would have been located on the Yantic River, in New London County, Connecticut.

The permittee filed the request on April 3, 1987, and the preliminary permit for Project No. 9283 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9393 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-401-000 and CI87-416-000]

Consolidated Gas Transmission Corp.; Applications on Behalf of Producer-Suppliers

April 20, 1987.

Take notice that on March 30, 1987, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed applications pursuant to section 7 of the Natural Gas Act, as amended, (NGA) and the Commission's Rules and Regulations thereunder, on behalf of its producer-suppliers currently selling natural gas that is subject to the Commission's jurisdiction under the NGA, for an order (1) authorizing in Docket No. CI87-416-000 the limited-term abandonment, on a blanket basis, of sales of such gas to Consolidated, to the extent such gas is released, and (2) issuing in Docket No. CI87-401-000 a blanket certificate of public convenience and necessity authorizing the sale for resale of such gas in interstate commerce with pregranted abandonment. Consolidated requests such authorization for the period of May 1, 1987, through February 28, 1989. The applications also request, on behalf of Consolidated's producer-suppliers, that the abandonment and certificate authorizations be considered on an expedited basis in accordance with § 2.77 of the Commission's Regulations, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Consolidated states that all jurisdictional gas purchased from its producer-suppliers in West Virginia, Pennsylvania, New York, Virginia, Louisiana, and the Gulf of Mexico is eligible for this program, and that the participation of any producer is strictly voluntary. According to Consolidated, the specific terms of any release will be agreed upon by it and each participating producer-supplier.

The applications state that, as a general rule, Consolidated will require that the weighted average cost of the gas released from any one producer be no less than the arithmetical average of the commodity rates available from Consolidated's three pipeline suppliers. The applications also state that Consolidated anticipates that most releases will be for three to six-month periods that correspond to the shut-in period for such gas. The applications also state that producers are free to negotiate for other terms and conditions and that Consolidated will consider any release proposal in good faith on a case-by-case basis. Consolidated's application further states that the program will be administered on a non-discriminatory basis.

According to Consolidated, the requested abandonment and certificate authorizations are eligible for consideration on an expedited basis because most of Consolidated's producers are, by contract, subject to shut-ins without payment. The applications state that Consolidated is currently experiencing surplus deliverability and will shut-in gas where contractually permitted. Consolidated therefore requests that the Commission follow the procedures for expedited consideration set forth in § 2.77(b) of the Commission's Regulations.

Consistent with the Commission's orders in *ANR Pipeline Company, et al.*[1] and *Pennzoil Producing Company,*[2] Consolidated states it will file quarterly reports specifying for all gas released:

(1) The FERC gas rate schedule for the applicable current sale to Consolidated, where applicable;

(2) The corresponding producing field(s) for any released gas in Louisiana and the Gulf of Mexico, and the corresponding state for any released gas in the Appalachian Basin;

(3) The NGPA category of such gas released by Consolidated;

(4) The contract price to Consolidated of such released gas ($/MMBtu);

(5) The volumes, by NGPA category, of gas released by Consolidated; and

(6) The amount of take-or-pay relief, if applicable, credited to Consolidated for each release, by NGPA price category.

Consolidated requests that the Commission obtain directly from the producers involved any desired information regarding the name of any new purchasers; the volume, by NGPA price category, of gas sold to each such new purchaser (MMBtu); and the price paid by each new purchaser for all such volumes, including a weighted average of all such prices. Because the collection and possession of such information could conceivably give rise to antitrust claims in some circumstances or allegations of improper use of sensitive information, Consolidated states that it prefers not to gather such data. Rather, Consolidated will condition its releases upon its producers supplying such information to the Commission on a quarterly basis.

Consolidated states it seeks no transportation authority by its applications. Consolidated anticipates that any transportation of released volumes will be performed under a blanket certificate issued on February 13, 1987, in Docket No. CP86-311-000, pursuant to § 284.221 of the Commission's Regulations or by individual certificate authorization in accordance with section 7(c) of the NGA.

Consoldiated states it is currently experiencing excess deliverability, and that the authorizations requested herein would provide an interim solution to this problem by permitting producers to market this surplus gas elsewhere. The blanket abandonment and sales authorizations would also assist Consolidated in negotiations with producers. In exchange for contract concessions such as price relief, Consolidated states it could agree to temporarily release surplus volumes and allow the producer-suppliers to seek alternative markets, particularly during shut-in periods. Furthermore, Consolidated states that its customers would be protected because the proposed release is temporary, and the reserves would remain dedicated to Consolidated for the long term. Consolidated's customers would also realize the benefit of having access to these released supplies. For these reasons, Consolidated submits that the instant proposals are required by the present and future public convenience and necessity. Finally, Consolidated requests that the Commission waive, to the extent necessary, its General Rules and Regulations applicable to this filing

[1] 38 FERC ¶61,046 (1987).

[2] 34 FERC ¶61,318 (1986).

in order to grant promptly the authorization and relief requested.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436 and 436–A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9377 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. FA84–46–001]

Iowa-Illinois Gas and Electric Co.; Order Approving Uncontested Settlement

Issued April 24, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

On October 23, 1986, the Iowa-Illinois Gas and Electric Company (Iowa-Illinois) filed an uncontested offer of settlement that woudl resolve a contested accounting matter. At issue is Iowa-Illinois' collection of estimated spent nuclear fuel disposal costs (SNFDC) through its fuel adjustment clause (FAC) without prior Commission approval.[1] On November 3, 1986, staff submitted comments in support of the offer of settlement. On Nobember 24, 1986, the presiding Administrative Law Judge certified the uncontested offer of settlement to the Commission.

Discussion

The proposed settlement agreement provides that Iowa-Illinois is not required to make refunds of the improperly collected amounts. The provisions of the settlement were evaluated on the basis of a four-part test designed to ensure that the company is not unjustly enriched by the improper collection. Under that test, Iowa-Illinois:

(1) Expressly conceded the impropriety of its collection of estimated SNFDC without specific prior Commission authorization in the form of a waiver of the FAC regulations;

(2) Demonstrated that it did not double-recover SNFDC by including the amounts in its base rates as well as in its FAC;

(3) Refunded to its customers its overcollection of SNFDC amounts owed to the Department of Energy (DOE) for fuel burned before April 7, 1983; and

(4) Demonstrated that it has reduced its rate base for computing rates paid by its wholesale customers for any time in which it held SNFDC collected before payment to DOE.

The Commission finds that the proposed offer of settlement represents a reasonable resolution of the issues and is in the public interest. Accordingly, we shall accept and approve the settlement agreement.

Our action is without prejudice to any findings or orders that have been made or may hereafter be made by the Commission, and is without prejudice to any contention that may be made by the Commission, its staff, or any other party or person affected by this order in proceedings now pending or hereinafter instituted by or against Iowa-Illinois or any other person or party. Our approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

We are aware that there may be other instances in which utilities have, without prior Commission approval,[2] included SNFDC in wholesale FAC computations.[3] Therefore, we take this opportunity to provide guidance to utilities, their customers, and our staff concerning how these other cases may be satisfactorily resolved without the need to resort to extensive and costly litigation.

The Commission has determined that the application of the four-part test discussed above should in most cases result in a just and reasonable resolution of this issue. A utility that has included SNFDC in its wholesale FAC calculations without prior Commission approval should advise the Commission of this fact within 60 days of the date of issuance of this order. The utility may propose a settlement of this issue demonstrating that the utility satisfies the four-part test. We will notice the filing. If there is no opposition from the utility's affected customers, the Commission will consider the utility's filing to be an uncontested settlement and will approve it if we find that the four-part test is met and that the settlement is no otherwise contrary to the public interest.[4]

This procedure is not intended to foreclose arguments by the utility's customers that the utility has not satisfied the four-part test or that application of the four-part test in the particular circumstances presented would not result in a just and reasonable resolution of the SNFDC issue. If objections are raised, the Commission will dispose of the SNFDC issue pursuant to the procedures set forth in Part 41 of the Commission's regulations. 18 CFR Part 41 (1986).

Further, the suggested procedure should not be interpreted as a change in the Commission's intention to insure compliance with our FAC regulations. The procedure will be limited strictly to SNFDC for permanent storage under the Nuclear Waste Policy Act of 1982. In general, any utility that has collected SNFDC through its FAC without prior approval and that does not propose a settlement within 60 days will be required to make refunds of the improperly collected SNFDC.

The Commission orders:

(A) The uncontested settlement in this docket is hereby approved.

(B) Docket No. FA84–46–001 is hereby terminated.

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[1] Iowa-Illinois Gas & Electric Company, 35 FERC ¶ 61,185 (1986).

[2] Commission approval would be in the form of an explict and specific statement by the Commission authorizing the billing of SNFDC in the FAC clause.

[3] The Iowa Electric Light and Power Company and the Bangor Hydro-Electric Company have submitted settlement agreements similar to that submitted by Iowa-Illinois. Orders will be issued concerning these proposals.

[4] This does not preclude our consideration of settlements that are based terms other than meeting the four-part test. We are simply informing utilities that if they demonstrate that the four-part test is met and their customers do not object, we shall approve the settlement, absent a showing the settlement is otherwise contrary to the public interest.

(C) The Secretary shall publish a copy of this order in the **Federal Register.**

By the Commission.

Louis D. Cashell,

Acting Secretary.

[FR Doc. 87-9461 Filed 4-27-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-287-000]

Mid Louisiana Gas Co.; Request Under Blanket Authorization

April 15, 1987.

Take notice that on April 14, 1987, Mid Louisiana Gas Company (Mid-La), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87-287-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas for the Manville Sales Corporation (Manville), under Mid-La's blanket certificate issued in Docket No. CP86-214-000 pursuant to section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Mid-La proposes to transport up to 5,000 MMBtu of natural gas per day for Manville on an interruptible basis. The gas would be transported from the tailgate of the Celeron Gas Processing Plant located in Irene Field, East Baton Rouge Parish, Louisiana, to an existing interconnection between Mid-La's and Manville's facilities in Natche, Adams County, Mississippi. Mid-La stated it would charge Manville a transportation rate of 16.58 cents per Mcf as currently found in Mid-La's Rate Schedule T-1 of its FERC Gas Tariff less 3 percent of the gas received for transportation for use by Mid-La. The transportation service is for a term of one year commencing on the date of initial deliveries and continuing year to year therefter. Mid-La commenced the transportation service on January 1, 1987, pursuant to § 284.223(a)(1) of the Commission's Regulations, on a self-implementing basis for a 120-day period that will expire April 30, 1987.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9462 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IN87-1-000]

Pioneer Production Corp.; Order Initiating Show Cause Proceeding

Issued: April 22, 1987.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

I

During a Commission staff audit in 1980, information became available which indicated that Pioneer Production Corporation (Pioneer) may have engaged in acts and transactions which constitute violations of the Natural Gas Act, 15 U.S.C. 717 *et seq.* (NGA), and the Commission regulations thereunder. Because of the nature of this information, the Enforcement section of the Office of the General Counsel has conducted an investigation of these acts and transactions pursuant to section 1b.6 of the Commission's Rules Relating to Investigations, 18 CFR Part 1b, § 1b.6, and pursuant to the Commission's November 17, 1983, Order Instituting Formal Private investigation.

II

As a result of the investigation, the following information has been reported to the Commission:

1. Pan American Production Company (Pan American), a predecessor-in-interest to Amoco Production Company (Amoco), executed a contract dated October 7, 1968, to sell "gas well gas" in interstate commerce to United Gas Pipe Line Company (United), from acreage in Jefferson Davis Parish, Louisiana (the Amoco/United Contract).

2. The Amoco/United Contract defined "gas well gas" to include, among other things, "gas produced in its natural state from a well which, if classified under the laws and rulings of the regulatory body having jurisdiction of production allowables of the state in which such well is located, is not classified an oil well. . . ."

3. On February 14, 1969, pursuant to section 7(c) of the NGA, the Federal Power Commission, the predecessor of the Federal Energy Regulatory Commission (both of which are hereinafter referred to as "Commission"), issued a certificate of public convenience and necessity in Docket No. CI69-491 covering the sale of gas by Amoco to United pursuant to the Amoco/United Contract. That certificate became effective on March 10, 1969.

4. In March 1969, Pan American commenced deliveries to United of gas produced from the South Jennings Field pursuant to the Amoco/United Contract.

5. Effective February 1, 1971, Pan American reorganized and changed its name to Amoco Production Company.

6. Amoco, by lease dated August 10, 1973, granted certain oil and gas rights in a portion of the acreage located in the Jefferson Davis Parish and covered by the Amoco/United Contract to D. D. Harrington (the Harrington Acreage).

7. D. D. Harrington assigned part of his interest in the Harrington Acreage to Pioneer in 1973.

8. In 1974 the acreage containing the Harrington Acreage was named "the Jennings Townsite Field."

9. Pioneer executed a contract dated April 1, 1974, to sell in intrastate commerce to Continental Oil Company, a predecessor-in-interest to Conoco Inc. (both of which are hereinafter referred to as "Conoco"), gas produced from certain acreage in the Jennings Townsite Field, including the Harrington Acreage (the Pioneer/Conoco Contract).

10. Pioneer notified Amoco, by letter dated May 22, 1974, of the terms of the Pioneer/Conoco Contract.

11. Amoco, by letter dated June 20, 1974, informed Pioneer that it was Amoco's position that the Harrington Acreage was dedicated to interstate commerce by virtue of the Amoco/United Contract and the certificate issued in 1969 by the Commission in Docket no. CI69-491.

12. Amoco also informed Pioneer, by letter dated June 20, 1974, that before any sales could be made to Conoco, the Commission would have to authorize Pioneer to abandon service to United and that, since United was in a curtailment situation, the Commission would not likely grant abandonment.

13. Pioneer, without seeking or obtaining prior Commission approval pursuant to section 7(b) of the NGA, 15 U.S.C. 717f(b), for the abandonment of service to United, commenced selling gas to Conoco from the Jennings Townsite Field in September 1974.

14. At the time Pioneer commenced deliveries, the Louisiana Department of Conservation (LDC), the regulatory body having jurisdiction over production allowables in the State of Louisiana, had classified the following five formations

in the Jennings Townside Field as gas units: Cam 1 Sand; Can 3 Sand; Hayes Sand; Marg Vag Sand; and Marg Howei Sand (referred to collectively as the "Five Units"). Later the LDC also classified the lower Marg Vag Sand as a gas unit. Each of the six units contained Harrington Acreage.

15. United, by letter dated October 23, 1974, informed Pioneer that gas being sold to Conoco attributable to the Harrington Acreage was dedicated to United and that United was claiming its right to the gas.

16. Between September 1974 and November 1976, Pioneer sold to Conoco all gas well gas produced from the Five Units.

17. From September 1974 through November 1976 Pioneer charged and collected a higher rate for gas sold from the Five Units to Conoco than Pioneer would have have permitted to collect under the Amoco/United Contract.

18. On April 28, 1976, Pioneer executed a contract to sell to United gas produced from, among other areas, the Harrington Acreage (the Pioneer/United Contract).

19. The Pioneer/United Contract stated that the acreage covered by the contract was subject to the Amoco/United Contract of October 7, 1968, and that the prior contract was thereby superseded to the extent of Pioneer's interest in the acreage.

20. On June 14, 1976, Pioneer filed an application with the Commission in Docket No. CI76–603 for a certificate of public convenience and necessity pursuant to section 7(c) of the NGA covering the sale by Pioneer to United under the Pioneer/United Contract.

21. Pioneer stated in its certificate application in Docket No. CI76–603 that it was seeking authorization for initial service.

22. Pioneer also stated in its application that no predecessor-in-interest of Pioneer had any interest in or made any sale of the gas covered by the application.

23. Although the Pioneer/United Contract, which made reference to the Amoco/United Contract, was attached to its application, Pioneer did not state in the body of its application that the acreage was covered by a contract which had previously been certificated by the Commission in Docket No. CI69–491.

24. Pioneer did not tell the Commission in 1976 that it was going to repay United for volumes of gas produced from the Harrington Acreage which Pioneer had sold to Conoco from September 1974 to November 1976.

25. On August 27, 1976, the Commission, in Docket No. C176–603, issued a certificate of public convenience and necessity to Pioneer for the sale of gas under the Pioneer/United Contract. That certificate became effective on September 13, 1976.

26. From December 1976 to the present, Pioneer has continued to sell gas from three of the six units, but has sold none of the gas produced from those units to United.

27. On information and belief, Pioneer has sold the gas produced from the three units described in ¶ 26 at prices which have exceeded the rates and prices which Pioneer would have been permitted to collect from United under the Amoco/United Contract.

28. Pioneer has not at any time sought or received Commission authority to abandon sales of gas to United from any of the six units.

III

The Commission neither makes findings of fact nor reaches conclusions of law with regard to the foregoing acts and practices. However, the facts set forth in section II of this order, if true, indicate that Pioneer may have committed the following violations.

A. By selling to purchasers other than United, gas production attributable to the Harrington Acreage without first obtaining abandonment authorization, Pioneer may have violated section 7(b) of the NGA.

B. By selling gas production attributable to the Harrington Acreage through November 30, 1978, at rates higher than it would have been able to collect for the gas under the Amoco/United Contract, Pioneer may have violated section 4(a) of the NGA, 15 U.S.C. 717c(a).

C. By selling gas production attributable to the Harrington Acreage since December 1, 1978, at prices higher than those it would have been permitted to collect under the Amoco/United Contract, Pioneer may have violated section 504(a)(1) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3414(a)(1).

The Commission finds:

Good cause exists for requiring, and the public interest in administering the NGA and the NGPA demand, that Pioneer show cause as to the following: Why Pioneer should not be found to have violated sections 4(a) and 7(b) of the NGA, section 504(a) of the NGPA, and the Commission's regulations thereunder, as a result of the acts and transactions described herein; why the Commission should not order any or all appropriate remedies; and why Pioneer should not be required to seek abandonment authorization with respect to sales of gas from units reclassified by the LDC for gas to oil.

The Commission orders:

(A) Pursuant to § § 385.209(a)(2) and 385.502(a) of the Commission's rules of practice and procedure, 18 CFR 385.209(a)(2) and 385.502(a), Pioneer shall show cause why it should not be found to have violated sections 4(a) and 7(b) of the NGA, and section 504(a) of the NGPA, and the Commission's regulations thereunder, as a result of the acts and transactions described herein and why the Commission should not order any or all appropriate remedies.

(B) Pioneer's answer to this order shall be filed pursuant to Rule 213 of the Commission's rules of practice and procedure, 18 CFR 385.213, in writing and under oath on or before 30 days after the date of this order. Accordingly, Pioneer shall admit or deny, specifically and in detail, each allegation set forth in section II of this order and shall set forth every defense relied upon. Pioneer shall serve a copy of its answer directly on Enforcement staff simultaneously with its filing with the Commission.

(C) Pursuant to sections 4, 7, 15 and 16 of the NGA, sections 501, 502 and 504 of the NGPA and Rule 601 of the Commission's Rules of Practice and Procedure, 18 CFR 385.601, a prehearing conference shall be convened in this proceeding in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, at a date and time to be established by the Chief Administrative Law Judge. Respondents should be fully prepared, as set forth in Rule 601(b) of the Commission's rules of practice, 18 CFR 385.601(b), to discuss any and all matters to be considered at the conference.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall preside at the prehearing conference in this proceeding, with authority to establish the hearing date, to establish and change procedural dates and to rule on motions, all as provided for in the Commission's rules of practice and procedure, 18 CFR Part 385. The designated Administrative Law Judge shall conduct the hearing pursuant to 18 CFR 385.501 *et seq.*, shall have all authority delegated by 18 CFR 385.504, and shall render a decision pursuant to 18 CFR 385.708.

(E) Petitions for intervention shall be filed no later than 35 days after the date of this order.

(F) Since many of the facts pertinent to the issues in this case are within the particular knowledge of Pioneer, Amoco

and/or United and/or their employees and agents, Enforcement staff shall be permitted liberal discovery in this proceeding.

(G) For the purposes of this order:

(1) "Documents" refers to the originals of all writings and records of every type in the possession, control, or custody, of the person from whom the documents are requested, including but not limited to: Testimony and exhibits, memoranda, correspondence, letters, reports (including drafts, preliminary, interemdiate, and final reports), surveys, analyses, studies (including economic and market studies), summaries comparisons tabulations, charts, books, pamphlets, photographs, maps, sheets, ledgers, transcripts, microfilm, microfiche, computer data, computer files, computer tapes, computer inputs, computer outputs and printouts, vouchers, accounting statements, budgets, workpapers, engineering diagrams (including "one-line" diagrams), mechanical and electrical recordings, telephone and telegraphic communications, speeches, and all other records, written, electrical mechanical, or otherwise and drafts, attachments or appendices of any of the above;

(2) "Documents" includes copies of documents, where the originals are not in the possession, custody, or control of the person from whom the documents are requested;

(3) "Documents" includes every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copies;

(4) If any information or documents requested is withheld by reason of a claim of privilege or any other reason, please state the basis upon which the document or information is withheld and provide the following information with respect to each document or piece of information withheld:

(a) Identify the document or information;

(b) If a document is involved, identify such document in accordance with (7)(a) below, and identify those persons who saw the document in accordance with (7)(b) below; and

(c) Indicate the date of the document or information.

(5) If the attorney-client privilege is claimed:

(a) Identify the attorney and client involved (if the client is not a natural person, identify the person(s) sending or receiving each document or piece of information on behalf of the client);

(b) Indicate whether the communication (as defined in (6) below) claimed to be privileged was made by the attorney or by the client;

(c) Indicate who was present when the communication was made, and, if a document is involved, where and how it is filed within the attorney's and client's offices;

(d) Indicate whether the document or information has been communicated to any person othe than the attorney and client involved (if yes, identify such third person by name and relationship to the client and the attorney, and indicate the date of such communication);

(e) If the privileged portion of the document or information is capable of being excised, so that the remainder is no longer privileged, then produce the non-privileged portion(s) of the document or information;

(f) Indicate whether a retainer agreement between the client existed at the time of the communication, and if yes, the date of such agreement; and

(g) Indicate the period of time during which the attorney-client relationship existed.

(6) "Communication(s)" includes all verbal and written communications of every kind, including but not limited to telephone calls, conferences, and correspondence, and all memoranda concerning the requested communication.

(7) "Identification", "identify" and "identity":

(a) When used with respect to a document, includes (but is not limited to) stating the nature of the document (*e.g.*, letter, memorandum, corporate minutes), the date, if known, on which the document was prepared, the title of the document, the general subject matter of the document, the number of pages in the document, the identity of each person who wrote, dictated, or otherwise participated in the preparation of the document, the identity of each person who signed or initialed the document, the identity of each person to whom the document was addressed, the location of the document, and the identity of the person having possession, custody, or control of the document. Identification of a document includes identifying all documents known or believed to exist whether or not they are in the custody of the person to whom the request is made;

(b) When used with respect to a person, includes stating (i) his, her or its full name, (ii) his, her or its present title and position, (iii) his, her, or its present address (including zip code) and telephone number (including area code), if the present address and/or telephone number are unknown, the last known address and telephone number; (iv) his, her or its present and prior connections or associations with the person to whom the request is made; (v) the capacity of the person (whether individual, partnership, corporation or otherwise); and (vi) if such person is a corporation or a partnership, and if such information is known or within the possession or control, of the person to whom the request is made, the identity of every current partner, joint venturer, stockholder, director, or officer;

(8) Identify the person responsible (whether directly or indirectly) for preparing and providing each response. In addition, identify the person from whom the information or documents were obtained, the files searched in responding to each request, and the person who reviewed the response; and

(9) The responses should be accompanied by a sworn affidavit in which an authorized official of the person to whom the request is made certifies that the information and documents provided constitute a complete and accurate response to all requests.

(H) Pioneer shall, within 45 days after the date of this order, produce to Enforcement staff:

1. Documents sufficient to show when and how it acquired rights to the Harrington Acreage sufficient for it to drill wells in, and to sell natural gas from that acreage in 1974, and the nature of the rights which Pioneer acquired.

2. Documentation of the assignment of oil and gas interests from D.D. Harrington to Pioneer dated sometime in 1973.

3. The spud dates(s) and vintages of each well from which gas was sold to Conoco from the Harrington Acreage from 1974 to 1976.

4. Documents sufficient to show the small producer/large producer split for the Harrington Acreage dedicated to United for the period 1974 to 1976.

5. Documents sufficient to show the amount paid per MMBtu, with break outs for any adjustments such as Btu, taxes, etc., by Pioneer to Amoco, by month, for the gas Pioneer sold to Conoco from 1974 to 1976.

6. All documents provided to United during a November 21, 1974, meeting between Pioneer and United to discuss resolution of the dedication issue.

7. The Louisiana Department of Conservation orders which changed the classifications set forth in Louisiana Department of Conservation Order Nos. 929–A and 929–E.

8. A copy of the abandonment application filed by Pioneer to request authorization to abandon service to United resulting from the reclassification of the gas units.

9. Produce and identify the following documents:

(a) Supplemental Tract Freeze Agreement, Cam 2 RA SUA, dated July 8, 1975, by and between Amoco Production Corporation and Pioneer Production Corporation, *et al.*

(b) Amendment to Gas Purchase Contract dated August 19, 1975, by and between Continental Oil Company and Pioneer Production Corporation, *et al.*

(c) Letter Agreement dated June 26, 1975, between Amoco Production Company and Pioneer Production Corporation, *et al.* (re: classification of oil and gas reservoirs).

(d) Letter Agreement dated June 26, 1975, between Amoco Production Company (re: dedication under United Contract).

(e) Letter Agreement dated July 7, 1975, between Amoco Production Corporation, *et al.* (re: dedication of gas to United Contract and recognition of ownership of Hayes Sand under Amoco tract).

(f) Unit Agreement dated September 1, 1974, between Pioneer Production Corporation *et al.* unitizing the Cam 2 Sand, Reservoir A.

(g) Unit Agreement dated, 5–1–75 between Pioneer Production Corporation, *et al.*, unitizing the Marg Vag Sand, RA, Lower Marg Vag Sand RA, Marg Howei Sand RA, Cam 1 Sand RA, Cam 3 Sand RA.

(h) Letter Agreement dated December 6, 1973, between D.D. Harrington and Amoco Production Company amending lease dated August 10, 1973.

(i) Recording Supplement to Gas Purchase Contract dated April 28, 1976, between United Gas Pipe Line Company and Pioneer Production Corporation.

(j) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Marg Howei Unit).

(k) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Cam 1 RA Unit).

(l) Joint Operating Agreement dated May 15, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Camerina III Unit).

(m) Joint Operating Agreement dated July 9, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating Marg Vag Unit).

(n) Joint Operating Agreement dated July 9, 1974, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Hayes Sand RA).

(o) Joint Operating Agreement dated December 6, 1974, between Pioneer Production Corporation and partners (pertaining to operating the Camerina 2 Unit).

(p) Joint Operating Agreement dated April 1, 1975, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Lower Hayes Unit).

(q) Joint Operating Agreement dated September 1, 1975, between Pioneer Production Corporation and Amoco, *et al.* (pertaining to operating the Marg Vag; Lower Marg Vag; Marg Howei, Camerina 1 and Camerina 3 Units).

(r) Joint Operating Agreement dated February 1, 1976, between Pioneer Production Corporation and partners (pertaining to operating the Cib Haz Unit).

(s) Surface Lease and Right-of-Way Agreement dated May 23, 1974, between Amoco Production Company and Pioneer Production Corporation.

10. Documents sufficient to show the volumes delivered and the amounts paid to Pioneer, by MMBtu, with break outs for any adjustments such as Btu, taxes, etc. by Conoco, or any other intrastate purchaser, for gas sold from each of the three reclassified units, by month, from 1976 to the present.

11. Documents sufficient to show the percentage of each of the seven units as of each classification or reclassification, which Amoco's fee acreage comprised of the whole acreage in the unit.

12. The spud dates and vintages of each well on each of the reclassified units from 1976 to the present.

(I) Docket No. IN84–2–000 is hereby terminated.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9463 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST83–326–002 et al.]

Western Gas Supply Company et al.; Extension Reports

April 15, 1987.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue sales of natural gas for an additional term of up to 2 years.[1]

The table below lists the name and addresses of each company selling pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension reports should on or before May 1, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any peson wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[1] Notice of these extension reports does not constitute a determination that a continuation of service will be approved.

EXTENSION LIST

[March 16–31, 1987]

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [2]
ST83–326–002 [1]	Western Gas Supply Co., 500 Prudential Plaza, 1050 17th St., Denver, CO 80265.	Mountain Fuel Resources, Inc...	3–26–87	D	4–08–87	6–24–87

EXTENSION LIST—Continued

[March 16–31, 1987]

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date [2]
ST85-1608-001	Producer's Gas Col, 6688 Noeth Central Expressway, Suite 1600, Dallas, TX 75206.	Southern California Gas Co.....	3-17-87	D	6-29-87	.....

[1] This extension report was filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.

[2] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.

[FR Doc. 87-9464 Filed 4-24-87 8:45 am]
BILLING CODE 6717-01-M

[Project No. 3449-006]

City of North Little Rock, AR; Application To Amend License

April 20, 1987.

Take notice that the City of North Little Rock, Arkansas requested on June 23, 1986, that the Commission approve amendment of its license to allow realignment of the primary transmission line for the Murray Lock and Dam Project No. 3449. The approved 115-kV transmission line alignment from the project site would cross the Arkansas River to an existing Arkansas Power and Light Company 115-kV line. The revised transmission line alignment would consist of a line 5.9 miles long from the project site through a portion of Burns Park, private property, federal property, and the City of North Little Rock, connecting directly to one of the City's delivery points.

The license for Project No. 3449 was issued on August 17, 1983, and would expire on July 31, 2023. The project is located on the Arkansas River in Pulaski County, Arkansas.

Correspondence with the applicant should be directed to: Mayor Terry C. Hartwick, City of North Little Rock, P.O. Box 5757, North Little Rock, Arkansas 72119. Phone: (501) 374-2233.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rule 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motion to intervene must be filed on or before May 20, 1987.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST, OR "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: William C. Wakefield II, Acting Director, Division of Project Management, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the third paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9380 Filed 4-24-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP87-57-000]

Northern Natural Gas Co., Division of Enron Corp.; Tariff Filing

April 20, 1987.

Take notice that on April 15, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing to become a part of its FERC Gas Tariff, Third Revised Volume No. 1:

Sixth Revised Sheet No. 17
Second Revised Sheet No. 24b

These pages consist of revisions to Paragraph 6.23 of Northern's CD-1 and CDO-1 Rate Schedules to allow for group billing of the commodity rate at the rate zone in which the excess volumes are delivered rather than the rate zone in which the excess volumes originated.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 27, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9384 Filed 4-24-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI87-494-000]

Snyder Oil Co.; Application for Permanent Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

April 20, 1987.

Take Notice that on April 13, 1987, Snyder Oil Company (Applicant), whose address is SOCO Plaza, 7th Floor, 1800 Glenarm Place, Denver, Colorado 80802, filed an application pursuant to section 7(b) of the Natural Gas Act, § 157.30 of the Regulations, and section 2.77 of the Statements of Policy, for authorization to permanently abandon the sale to Northwest Pipeline Corporation (Northwest) of NGPA section 104 post-1974, biennium, and replacement contract gas and 109 gas from Carbon and Sweetwater Counties, Wyoming, which production had been dedicated to Northwest by Applicants' predecessors-in-interest under a contract dated April 1, 1983. As grounds for the requested abandonment, Applicant states that

production from the affected wells (ten in number, having a total daily deliverability of about 1,750 Mmbtu's) has been substantially reduced without payment. Applicant also requests pregranted abandonment authority for a period of three (3) years for any sales for resale in interstate commerce of this gas which Applicant may make following abandonment of the sale to Northwest. Applicant proposes to market said gas in the spot market at a price that does not exceed the maximum lawful price. Jurisdictional sales will be made by Applicant under its existing small producer blanket certificate in Docket No. CS73–80.

The circumstances presented in this application meet the criteria for consideration on an, expedited basis, pursuant to section 2.77 of the Commission's Rules as promulgated by Order Nos. 436 and 436–A, issued October 9 and December 12, 1985, respectively, in Docket No. RM85–1–000, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Commission a petition to intervene or, a protest in accordance with the requirements of the Commission s Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedures herein provided for, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9381 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CI87–247–000, CI87–248–000, and CP87–178–000]

Texaco, Inc. and Texaco Gas Marketing Co. and Texas Gas Transmission Corp.; Informal Technical Conference

Issued: April 20, 1987.

Take notice that an informal technical conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on April 30, 1987, at 10:00 a.m. in the above captioned matters. In Docket No. CI87–247–000, Texaco, Inc. (Texaco) filed pursuant to section 7(b) of the Natural Gas Act (NGA), for permanent abandonment of certain gas dedicated to Texas Gas Transmission Corporation (Texas Gas). In Docket No. CI87–248–000 Texaco and Texaco Gas Marketing Company (TGMC) applied, pursuant to section 7(c) of the NGA, for a limited-term blanket sales certificate with pre-granted abandonment for the gas abandoned by Texaco. Finally, Texas Gas is seeking, in Docket No. CP87–178–000, a certificate of public convenience and necessity, pursuant to section 7(c) of the NGA, to transport gas for Texaco and its subsidiaries on terms negotiated by Texaco and Texas Gas as part of a settlement agreement. Any issue associated with the applications can be discussed. Particular attention should be given to those issues raised by the intervenors who requested the technical conference.

All parties to this proceeding, the Commission staff, and interested members of the public are invited to attend. However, mere attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a motion to intervene in accordance with Rule 214 of the Commission's rules of practice and procedure.[1]

FOR FURTHER INFORMATION CONTACT:

Arthur W. Iler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, (202) 357–5275.

Michael J. McGehee, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, (202) 357–8232.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9385 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP87–40–001]

Western Transmission Corp.; Compliance Filing

April 20, 1987.

Take notice that on April 13, 1987, Western Transmission Corporation (Western) tendered for filing to its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets pursuant to the Commission's order issued March 20, 1987 in the above-referenced proceeding:

First Revised Original Sheet No. 1 Original Sheet No. 1A
First Revised Original Sheet No. 4–B
First Revised Original Sheet No. 18 Original Sheet No. 18AA
Original Sheet Nos. 94 through 119

The March 20, 1987 order required Western to file (1) tariff sheets setting forth operating terms and conditions governing its transportation service and (2) a revised tariff sheet OAT–1 eliminating the use-or-lose provision.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 27, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–9386 Filed 4–24–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–395–000]

Williams Natural Gas Co.; Application To Abandon Purchases

April 21, 1987.

Take notice that on March 26, 1987, Williams Natural Gas Company (Applicant), formerly Northwest Central Pipeline Corporation, P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CI87–395–000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving abandonment of certain gas subject to the Natural Gas Act purchased from Hamm Production Company, Metro-Crane, Inc., J. S. Aviation, Inc. and Farrar Oil Company (Hamm Interest), located in Garfield, Kingfisher, Major and Blaine Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Applicant states that the Hamm Interest was obtained through an assignment of certain interests in acreage covered by three gas purchase contracts with Applicant dated August

[1] 18 CFR 385.214 (1986).

4, 1967, September 19, 1969, and March 10, 1971.

Applicant recently terminated its gas purchase contracts with the Hamm Interest as a result of the Hamm Interest's refusal to accept the price proposed by Applicant pursuant to the "economic out" provision in the gas purchase contracts. The abandonment of gas subject to the Commission's Natural Gas Act jurisdiction will permit the Hamm Interest's gas to be sold to other parties. Applicant states that each of the subject contracts has been amended from time to time with the latest amendment being dated November 21, 1979. The amended "Term" section of the November 21, 1979, Amendment reads as follows:

This Agreement shall remain in full force and effect from the date of final execution of the aforementioned Gas Purchase Contracts and shall extend for a period of twenty years from the date of first delivery of gas thereunder and as long thereafter as gas can be delivered in commercial quantities. *Buyer shall not be obligated to continue purchasing gas when such purchases are determined to be uneconomical in Buyer's sole judgment. (Emphasis added.)*

In 1986, Applicant states it notified the Hamm Interest of the price which it could economically pay for the gas it purchased and, further that unless the Hamm Interest would agree to reduce the purchase price of gas covered by the contracts to Applicant's economic price per MMBtu, then pursuant to Applicant's contractual rights and powers, Applicant would cease purchasing the gas and terminate the contracts as to the Hamm Interest on November 23, 1986. Applicant states that despite numerous discussions and meetings, Applicant and the Hamm Interest were unable to agree on a price which was economical to Applicant and, therefore, Applicant notified the Hamm Interest that effective November 23, 1986, it was electing to cease purchases of gas (except that gas requiring abandonment authorization from the FERC would be purchased until such abandonment authorization was granted) and terminate the contracts as to the Hamm Interest. On November 20, 1986, Applicant states it filed a petition against the Hamm Interest in Oklahoma State District Court seeking a declaration of its contractual right to cease uneconomic purchases of natural gas and to terminate contracts as to the Hamm Interest. Applicant states it has represented to the Court that pending the outcome of the abandonment proceedings pursuant to the Natural Gas Act Applicant will continue to take the gas at issue and will pay the highest price compatible with the economic operation of Applicant's pipeline.

Applicant further states that the Commission has the authority to grant to Applicant the abandonment of Applicant's purchases of gas from the Hamm Interest. See *United Gas Pipe Line Company v. Federal Power Commission*, 385 U.S. 83 (1966) and *Panhandle Eastern Pipe Line Company v. Federal Energy Regulatory Commission*, 803 F.2d 726 (D.C. Circuit, 1986). Applicant also states that the present and predicted connected deliverability of Applicant's gas suppliers substantially exceeds Applicant's projected market for gas. See *Northwest Central Pipeline Corporation*, Docket Nos. CI86-594-000 and CI86-596-000 issued on February 20, 1987. Furthermore, Applicant states that its purchases of gas from the Hamm Interest in calendar year 1986 amounted to only 947,467 Mcf (approximately 2,596 Mcf per day). Applicant further states that it is not seeking to abandon any facilities in this application, thus there are no reclaim costs associated with the abandonment. Facilities are being retained so that the Hamm Interest's gas may be gathered and transported to or for other purchasers after the abandonment of Applicant's purchase of the Hamm Interest gas is granted.

Based on the foregoing considerations, Applicant submits that this proposal is reasonable and required by the present and future public convenience and necessity and should be approved.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9382 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

[Project N. 3412-005]

The City of Oxford, KS; Surrender of Exemption From Licensing

April 20, 1987.

Take notice that the City of Oxford, Kansas, exemptee for the Oxford Mill Project No. 3412, requested by letter filed March 24, 1987, that its exemption be terminated. No construction of project works has been performed, and no conditions are needed concerning the disposition of project works and restoration of project lands under § 4.95(d) of the Commission's regulations.

The exemption for Project No. 3412 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-9400 Filed 4-24-87; 8:45 am]

BILLING CODE 6717-01-M

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, Eximbank has submitted a proposed application to be used under the Bank's medium and long terms loans and guarantee programs.

Purpose: The proposed application is to be used by applicants when applying for Eximbank's services under its medium and long term loans and guarantees programs. The application will serve as a mechanism by which Eximbank can evaluate creditworthiness of applicants, to find reasonable assurance of repayment, and to assure that relevant statutory programs and requirements are met. Affected public could be a commercial bank, provider of commercial credit or other public or private creditor. Form 87-14 replaces 73-1 and 73-2.

SUMMARY: The following summarizes the information collection submitted to OMB:

(1) Type of request: revised.
(2) Number of forms submitted: One.
(3) Form number: EIB 87–14.
(4) Title of information collection: Medium- and Long-Term Export Loans and Guarantees Application.
(5) Frequency of use: Submission of application.
(6) Respondents: commercial banks, providers of commercial credit or other public or private creditors.
(7) Estimated total number of annual responses: 500.
(8) Estimated total number of hours needed to fill out the form: 250.

Additional Information or Comments

Copies of the proposed application may be obtained from Helene Wall, Agency Clearance Officer (202) 566–8111. Comments and questions should be directed to Francine Picoult, Office of Management and Budget, Information and Regulatory Affairs, Room 3235, New Executive Office Building, Washington, DC 20503, (202) 395–7340. All comments should be submitted within two weeks of this notice; if you intend to submit comments but are unable to meet this deadline, please advise Francine Picoult by telephone that comments will be submitted late.

Date: April 20, 1987.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 87–9397 Filed 4–24–87; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–790–DR]

Major Disaster and Related Determinations; Massachusetts

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Massachusetts (FEMA–790–DR), dated April 18, 1987 and related determinations.

DATED: April 18, 1987.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

Notice is hereby given that, in a letter of April 18, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Massachusetts resulting from severe storms and flooding beginning on or about April 2, 1987, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the Commonwealth of Massachusetts.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Warren Pugh of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Massachusetts to have been affected adversely by this declared major disaster and are designated eligible as follows:

Berkshire, Essex, Franklin, Hampshire, Middlesex, Norfolk, and Worchester Counties for Individual Assistance.

Berkshire, Franklin, and Hampshire Counties as well as the specific communities of Fitchburg, Ashburnham, Templeton, and Leominster in Worcester County; Lawrence, Haverhill, Groveland, and Andover in Essex County ; and Chelmsford and Tyngsborough in Middlesex County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director.

[FR Doc. 87–9390 Filed 4–24–87; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL HOME LOAN BANK BOARD

[No. AC–595]

First Federal Savings and Loan Association of Thomson, Thomson, GA; Final Action Approval of Conversion Application

Dated: April 21, 1987.

Notice is hereby given that on April 15, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings and Loan Association of Thomson, Thomson, Georgia for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Atlanta, 1475 Peachtree Street NE., Atlanta, Georgia 30309.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 87–9427 Filed 4–24–87; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Claims Collection; Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Service's claims collection regulation (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register.**

The Secretary of the Treasury has certified a rate of 14.125% for the quarter

ended March 31, 1987. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: April 22, 1987.

Dennis J. Fischer,

Deputy Assistant Secretary, Finance.

[FR Doc. 87-9444 Filed 4-24-87; 8:45 am]

BILLING CODE 4150-04-M

Health Care Financing Administration

[BERC-449-NR]

Medicare Program; Inclusion of Labor/Delivery Room Days in the Calculation of Inpatient Days

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of HCFA ruling.

SUMMARY: This notice announces a Ruling concerning the disposition of provider claims pending in court or that could be filed within the jurisdictions of the courts of appeals for the Sixth, Eighth, Ninth, and District of Columbia Circuits with respect to the treatment of labor/delivery room days in the apportionment of general routine services costs. Since all providers ordinarily can obtain judicial review in the District of Columbia, this ruling has broad application.

EFFECTIVE DATE: This Ruling is effective April 9, 1987.

FOR FURTHER INFORMATION CONTACT:

Paul Trimble, Cost Apportionment, (301) 594-9343.

Charles Schreibeis, Cost Report Settlement, (301) 594-8431.

SUPPLEMENTARY INFORMATION: We compile and publish all HCFA Rulings and index them for citation purposes. Since July 1986, Rulings are distributed by HCFA in loose leaf format directly to Federal and State employees who administer or are involved in appeals under Medicare or Medicaid, and to the contractors who implement the programs. In addition, as provided by 42 CFR 401.108, HCFA Rulings may be published in the **Federal Register** as notices. This Ruling has been designated as HCFAR 87-3. The text of the Ruling is as follows:

Validity of Provider Reimbursement Manual Section 2345 Relating to the Inclusion of Labor/Delivery Room Days in the Calculation of Inpatient Days

Purpose: This Ruling announces HCFA's determination to follow the holdings of the courts of appeals for the Sixth, Eighth, Ninth, and District of Columbia Circuits with respect to claims that have been filed or could be filed within the jurisdiction of those circuits with respect to the validity of the labor/delivery room policy.

Citations: Section 1861(v) of the Social Security Act (42 U.S.C. 1395x(v)); 42 CFR 413.53; Provider Reimbursement Manual section 2345.

Pertinent History: The labor/delivery room policy, which it set forth in section 2345 of the Provider Reimbursement Manual, has been the subject of a substantial amount of litigation. This policy required that patients in a hospital's labor or delivery room at the census-taking hour be included in the inpatient count used to determine Medicare reimbursement for a hospital's general routine costs. The apportionment for general routine services is arrived at by multiplying the number of Medicare patient-days by the average per diem cost for all general routine services. The per diem figure is, in turn, computed by dividing total allowable routine costs by total inpatient days for the fiscal year. 42 CFR 413.53. Manual section 2345 clarifies this calculation by requiring that patients located in a hospital's labor or delivery room, or in any other ancillary area, at the midnight census-taking hour be included in the count of total inpatient days for purposes of calculating the per diem cost of routine care.

Viewed in isolation, the policy of counting patients in labor and delivery rooms as inpatients advantages Medicare because of the relatively small number of maternity patients who are Medicare beneficiaries. Other accounting and allocation conventions disadvantage Medicare, however, because of different patient and cost distributions. These variations tend to average out and in the aggregate result in a proper allocation of Medicare and non-Medicare costs. The issue in the litigation has been the extent to which these general averaging principles authorize the labor/delivery room policy.

The validity of the policy has been considered by the courts of appeals in eight judicial circuits. In each of the cases the court declined to uphold the policy based on the evidence in the record before it. The courts did, however, offer HCFA the opportunity to justify the policy with additional evidence demonstrating that the advantages to Medicare from the labor/delivery room policy were offset by disadvantages from other allocation policies. The courts divided into two groups on what the additional evidence would have to show.

Half of the courts established a strict test that the additional evidence would have to meet to validate the labor/delivery room policy. These courts—the Sixth, Eighth, Ninth, and District of Columbia Circuits—held that the additional evidence necessary to justify the policy would have to identify cost distortions disadvantaging Medicare in other hospital ancillary areas that offset the advantage to Medicare resulting from the labor/delivery room policy.[1]

HCFA cannot adduce evidence that meets the strict test established by these courts.

The other courts of appeals that considered the labor/delivery room policy allowed the agency much broader latitude to prove through additional evidence that there are cost allocation distortions adverse to Medicare that offset the effects of the labor/delivery room policy.[2]

Accordingly, HCFA has introduced evidence in new cases at the administrative level that demonstrates such an effect.

The initial decision in the District of Columbia Circuit, which adopted the strict test of what the additional evidence would have to prove, was ambiguous. The decision was not clear as to whether adoption of the strict test was based on the failure to raise the issue at the administrative level in that particular case, or whether the court was announcing a general principle that would apply in all cases. Recently the district court for the District of Columbia has interpreted the court of appeals' decision as intended to apply the strict test in all cases.[3]

We have determined to accept the district court's interpretation of the D.C. Circuit's prior holding. Consequently, there are four circuits in which the courts have established an evidentiary standard with respect to the validity of the labor/delivery room policy that we are unable to satisfy. The purpose of this Ruling is to announce our acquiescence in those decisions within the jurisdiction of the relevant circuits. We will dispose of claims pending in those circuits, or that could be filed in those circuits, by

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[1] *University of Michigan* v. *Bowen*, No. 86-1816 (6th Cir. Feb. 26, 1987; *Sioux Valley Hospital* v. *Heckler*, 792 F. 2d 715 (8th Cir. 1986); *Mount Zion Hospital and Medical Center* v. *Heckler*, 758 F.2d 1346 (9th Cir. 1985); *International Philanthropic Hospital* v. *Heckler*, 724 F. 2d 1368 (9th Cir. 1984); *St. Mary of Nazareth Hospital Center* v. *Heckler*, 760 F. 2d 1311 (D.C. Cir. 1985); *St. Mary of Nazareth Hospital Center* v. Schweiker, 718 F. 2d 459 (D.C. Cir. 1983).

[2] T3 Central DuPage Hospital v. *Heckler*, 761 F. 2d 354 (7th Cir. 1985); *Community Hospital of Roanoke Valley* v. *Heckler*, 770 F. 2d. 1257 (4th Cir. 1985); *Beth Israel Hospital* v. *Heckler*, 734 F. 2d. 90 (1st Cir. 1984); *Tarrant County Hospital District* v. *Heckler*, No. 83-1483 (5th Cir. 1984).

[3] Stormont-Vail Regional Medical Center v. *Bowen*, No. 85-4011 (D.D.C. Sept. 25, 1986).

excluding labor/delivery room days from the calculation of inpatient days for the hospitals and cost years affected. Since all providers can ordinarily obtain judicial review in the District of Columbia, this policy applies to all claims still at the administrative level, unless a court remand order or statutory provision necessitates that judicial review be sought elsewhere than in one of the four affected circuits, or unless the provider states that it intends to seek judicial review elsewehere.[4]

Pursuant to this Ruling, Medicare fiscal intermediaries will determine the amounts due and make appropriate payments through normal procedures. Claims, must, of course, meet all other applicable requirements. This includes the requirement for data adequate to document the claimed costs. As the intermediaries may require, hospitals must furnish appropriate documentation to substantiate the number of days claimed (see section 1815(a) of the Social Security Act and 42 CFR 413.20, 413.24(a), (c)). Claims that are not disclosed on the cost report or an accompanying document (claims based on so-called "self-disallowed" costs) are not eligible for payment and remain ineligible under this Ruling.[5]

Ruling: In the case of otherwise proper claims made by providers that can obtain judicial review of those claims in the Sixth, Eighth, Ninth, or District of Columbia Circuits, the labor/delivery room policy set forth in section 2345 of the Provider Reimbursement Manual will not apply, and reimbursement will be determined by excluding labor/delivery room days from the calculation of inpatient days.

Dated: April 9, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-9432 Filed 4-24-87; 8:45 am]

BILLING CODE 4120-01-M

[4] Our acquiescence in this instance respecting providers who could bring suit within the D.C. Circuit should not be viewed as an indication that any D.C. Circuit ruling on a Part A Medicare provider claim automatically results in a change in national Medicare policy. See generally *United States* v. *Stauffer Chemical Co.*, 464 U.S. 165 (1984).

[5] *Athens Community Hospital Inc.* v. *Schweiker*, 686 F.2d 989 (D.C. Cir. 1982), revised 743 F.2d 1 (D.C. Cir. 1984); *St. Mary of Nazareth Hospital* v. *Schweiker*, 741 F.2d 1447 (D.C. Cir. 1984); *Community Hospital of Roanoke Valley* v. *Heckler*, 770 F.2d 1257 (4th Cir. 1985); *Baptist Hospital East* v. *Bowen*, 802 F.2d 860 (6th Cir. 1986); *North Broward Hospital District* v. *Bowen*, No. 85-8039 (11th Cir. Jan. 17, 1987); *University of Cincinnati* v. *Bowen*, 809 F.2d 307 (6th Cir. 1987).

[BERC-450-NR]

Medicare Program; Provider Reimbursement Review Board Jurisdiction Over Challenge to Apportionment of Malpractice Insurance Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of HCFA ruling.

SUMMARY: This notice announces a HCFA Ruling relating to the jurisdiction of the Provider Reimbursement Review Board (PRRB) over challenges to the application or validity of our regulations concerning apportionment of malpractice insurance costs under the Medicare program. A related HCFA Ruling, 86-2, was issued on this matter on July 2, 1986. This Ruling announces that providers may request consideration by PRRB of appeals where a Notice of Program Reimbursement (NPR) has not yet been issued.

EFFECTIVE DATE: This Ruling is effective April 9, 1987.

FOR FURTHER INFORMATION CONTACT: Paul Trimble, (301) 594-8640.

SUPPLEMENTARY INFORMATION: We compile and publish all HCFA Rulings and index them for citation purposes. Since July 1986, Rulings are distributed by HCFA in looseleaf format directly to Federal and State employees who administer or are involved in appeals under Medicare of Medicaid, and to the contractors who implement the programs. In addition, as provided by 42 CFR 401.108, HCFA Rulings may be published in the **Federal Register** as notices. This Ruling has been designated as HCFAR 87-2. The text of the Ruling is as follows:

Provider Reimbursement Review Board Jurisdiction Over Challenges to the Application or the Validity of the Medicare Regulation Governing Apportionment of Malpractice Insurance Costs (42 CFR 413.56)

Purposes: This Ruling states HCFA policy that the Provider Reimbursement Review Board now has jurisdiction to hear a provider's challenge to the application or validity of 42 CFR 413.56 even if the provider has not received a Notice of Program Reimbursement (NPR). Other jurisdictional prerequisties would continue to apply.

Citations: Section 1878 of the Social Security Act (42 U.S.C. 1395oo); 42 CFR Part 405, Subpart R.

Pertinent History: On April 1, 1986, a new regulation governing the allocation of malpractice insurance costs was published (51 FR 11142) to supersede a regulation on the same subject that had been issued in 1979. The new regulation (42 CFR 413.56 as redesignated at 51 FR 34790, 34808) applies to cost reporting periods beginning on or after July 1, 1979. The public was offered an opportunity to comment on the 1986 regulation. A response to those comments was published on March 27, 1987 (52 FR 9833).

The new regulation generally results in reimbursement to providers that is greater than under the superseded rule. Medicare's fiscal intermediaries have implemented the new regulation on an interim basis with respect to many providers by paying them the estimated amount that will be owed when a final determination is made. The intermediaries, however, have not yet made final determinations, and thus have not issued revised NPRs, in the case of most providers.

In HCFA Ruling 86-2, dated July 2, 1986, it was held that the Board had no jurisdiction to grant a hearing to a provider that wishes to challenge the application or the validity of the 1986 regulation with respect to a cost reporting period until such time as the intermediary issues to the provider an NPR or revised NPR reflecting application of that regulation. This Ruling reflected the provision of section 1878(a)(1)(A) of the Act, which requires receipt of the NPR before the Board has jurisdiction to consider a provider's appeal.

At the time that HCFA Ruling 86-2 was issued, it was anticipated that many providers would receive NPRs soon afterwards. Principally because of unexpected delays in issuing the final response to the many complex comments on the April regulation, however, the process of issuing revised NPRs also has been delayed.

A number of providers have indicated through court filings that they desire to challenge the validity of the 1986 regulation but have been frustrated in doing so by the absence of an NPR. It was not HCFA's intention to delay the availability of review. Nevertheless, we recognize that the unanticipated delays in issuing NPRs have made review unavailable.

Under section 1878(a)(1)(B) of the Act, a provider may obtain a Board hearing prior to receiving an NPR if it has not received the NPR "on a timely basis." Our regulations (42 CFR 405.1835(c)) define timeliness as receipt of an NPR within 12 months after the provider has submitted its cost report. Since we are not requiring the submission of an amended cost report in the case of the 1986 regulation, this regulation may not literally apply. Nevertheless, it has now

been 12 months since issuance of the 1986 regulation, and the timeliness considerations reflected in the statute and regulation should govern. We conclude that, under the circumstances present here, providers desiring to challenge the 1986 regulation have not received an NPR on a timely basis within the meaning of section 1878(a)(1)(B) if they have not already received one. Accordingly, the Board has jurisdiction to hear such cases if the other prerequisites for review have been satisfied. A provider may, of course, at its option await receipt of its NPR before seeking Board review.

Ruling: It is held that any provider seeking to challenge the 1986 malpractice rule has not received an NPR on a timely basis if an NPR has not yet been issued. Accordingly, the jurisdictional requirement of section 1878(a)(1) of the Act for Board review is satisfied.

Dated: April 9, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87-9433 Filed 4-24-87; 8:45 am]

BILLING CODE 4120-01-M

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Meeting

Notice is hereby given of a change in time of the National Heart, Lung, and Blood Advisory Council, which was published in the **Federal Register** on March 17, 1987, (52 FR 8370).

The May 21 Council meeting was to have convened in open session at 9 a.m. in Building 31, Conference Room 10, but has now been changed to begin at 8:30 a.m., and will close at approximately 5 p.m.. On May 22 the meeting will begin in closed session from approximately 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 10, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-9362 Filed 4-24-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-87-830; FR-2303]

Delegation of Authority Regarding Liquidated Damages Under the Contract Work Hours and Safety Standards Act; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Correction of notice of delegation of authority.

SUMMARY: This notice corrects the authority cited for a delegation of authority regarding liquidated damages under the Contract Work Hours and Safety Standards Act published on January 9, 1987.

EFFECTIVE DATE: December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Justin L. Logsdon, Assistant to the Secretary for Labor Relations, Office of the Secretary, Room 4110, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755-5370. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1987, HUD published a delegation of authority from the Secretary of Housing and Urban Development to the Assistant to the Secretary for Labor Relations with respect to certain functions under the Contract Work Hours and Safety Standards Act (CWHSSA). 52 FR 868. The authority cited for that delegation requires correction.

Accordingly, the delegation of authority is corrected as follow:

1. In the third column on 52 FR 868, the first paragraph contained in the Supplementary Information is corrected to read as follows:

This delegation of authority is being published under (1) 29 CFR 5.8(d), which delegates from the Secretary of Labor to the Secretary of Housing and Urban Development the authority to waive or reduce liquidated damages of $500 or less against contractors and subcontractors for violations of the Contact Work Hours and Safety Standards Act (CWHSSA), and (2) section 104(c) of CWHSSA and 29 CFR 5.8(b), which give the Secretary of Housing and Urban Development the authority to (i) issue a final order affirming a determination of liquidated damages under CWHSSA and (ii) recommend to the Secretary of Labor a waiver or reduction of such liquidated damages where appropriate under 29 CFR 5.8(b).

2. In the first column on 52 FR 869, in the first full paragraph, the words "contained in 29 CFR 5.8(d)" are removed.

3. In the first column on 52 FR 869, in the last line of Section A, the words "29 CFR 5.8(d)" are corrected to read "29 CFR 5.8(b)".

4. In the first column of 52 FR 869, the citation of authority is corrected to read as follows:

Authority: 29 CFR 5.8 (b) and (d); Sec. 104(c), Contract Work Hours and Safety Standards Act, 40 U.S.C. 330(c); Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 87-9399 Filed 4-24-87; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-87-1696]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as requred by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ACTION: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will

be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Report Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notices of Submission of Proposed Information Collection to OMB

Proposal: Statement and Voucher for Basic Annual Contribution-Leased Housing.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: The form provides essential information on the operations of PHAs which is used for multiple purposes by HUD, including identification of debts owed to the Department of HUD.
Form Number: HUD–52981.
Respondents: State or Local Governments and Non-Profit Institutions.
Frequency of Response: Annually.
Estimated Burden Hours: 389.
Status: Reinstatement.
Contact: Stephen Sprague, HUD, (202) 426–1872; John Allison, OMB, (202) 395–6880.

Proposal: PHA Utility Consumption Data; Water and Sewage Disposal Data.
Office: Public and Indian Housing.
Description of the need for the information and it proposed use: Most PHAs purchase utility service through master meters. These form are used by PHAs for compiling, by housing project and utility service, utility consumptions and costs for a calendar year. HUD engineers use the information in making reviews of PHA's utility operations. The purpose of these reviews is to determine whether PHAs are controlling utility costs.
Form number: HUD–51466a, 51466b, and 51466c.
Respondents: State or Local Governments and Non-Profit Institutions.
Frequency of respondents: Other.
Estimated burden hours: 12,000.
Status: Reinstatement.
Contact: Charles R. Ashmore, HUD, (202) 755–6640; John Allison, OMB, (202) 395–6880.

Proposal: Request for Payment of Subsidies for Operations.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: This form is used by HUD-assisted projects to request payment of operating subsidy. These data are needed by HUD field offices to review for accuracy of operating subsidies.
Form number: HUD–53087.
Respondents: State or Local Governments.
Frequency of response: Annually.
Estimated burden hours: 107.
Status: Extension.
Contact: Joanne D. Farmer, (202) 426–1872; John Allison, OMB, (202) 395–6880.

Proposal: Lenders Request for Termination of Home Mortgage Insurance.
Office: Administration.
Description of the need for the information and its proposed use: This report notifies HUD whenever a mortgage is paid in full, voluntarily terminated, or that a property will not be conveyed to HUD for insurance benefits. Information collected is used to delete a case from the insurance-in-force files and to discontinue billing the mortgagor for insurance premiums.
Form number: HUD–2344.
Respondents: Businesses or Other for-Profit.
Frequency of response: On Occasion.
Estimated burden hours: 235,495.
Status: Reinstatement.
Contact: Doris J. Neubert, HUD, (202) 755–0467; John Allison, OMB, (202) 395–6880.

Proposal: Contract and Subcontract Activity Report for Public and Indian Housing Programs.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: HUD is required to collect data on the dollar volume and type of Minority Business Enterprise (MBE) participation in HUD programs. The information submitted is mandated by Executive Orders 11625 and 12432 and will also be used to develop an annual report to the President.
Form number: HUD–2516.
Respondents: State or Local Governments, Businesses or Other For-Profit, and Small Businesses or Organizations.
Frequency of submission: Semi-annually.
Estimated burden hours: 3,400.
Status: Reinstatement.
Contact: Patricia G. Hampton, HUD, (202) 755–5383; John Allison, OMB, (202) 395–6880.

Proposal: PHA Tenant Selection Policies, 24 CFR 860.204.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: PHAs are required to develop policies and procedures which take into consideration both the needs of an individual applicant for low-income public housing and the needs of the community for a financially and socially sound housing program.
Form number: None.
Respondents: State or Local Governments.
Frequency or response: Recordkeeping.
Estimated burden hours: 20,100.
Status: Extension.
Contact: Edward C. Whipple, HUD, (202) 426–0744; John F. Morrall, OMB, (202) 395–6880.

Proposal: Public Housing Agency Personnel Practices Handbook, Comparability Survey, Appendix I.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: PHA Administrative staff salaries are required to be comparable to local public practice. PHAs may use Appendix I in conducting salary comparability surveys.
Form number None.
Respondents: State or Local Government.
Frequency of response: Recordkeeping.
Estimated burden hours: 1,875.
Status: New.
Contact: James H. Andrews, HUD, (202) 755–7970; John Allsion, OMB, (202) 395–6880.

Proposal: Survey of Self-Insured Property/Casualty Losses and Set Aside Reserve Funds.
Office: Public and Indian Housing.
Description of the need for the information and its proposed use: This information is essential for HUD's assessment of the self-insured property/casualty losses and set aside reserve funds of uninsured public housing agencies (PHAs). This will be accomplished by comparing the set aside reserve account to the total of the incurred losses and loss adjustment expense for all uninsured losses that occurred during the waiver period of Section 305 of the Annual Contributions Contract (ACC).
Form number None.
Respondents: State of Local Governments and Non-Profit Institutions.

Frequency of response: Annually.
Estimated burden hours: 88.
Status: New.
Contact: Ralph E. Lecky, HUD, (202) 755–8145; John Allison, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 21, 1987.

John T. Murphy,

Director, Information Policy and Management Division.

FR Doc. 87–9460 Filed 4–24–87; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–970–07–4121–14–2410; ES 36413]

Request for Public Comment on Fair Market Value, Maximum Economic Recovery and Environmental Assessment; Emergency Coal Lease Application; Alabama

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Comment.

SUMMARY: The Bureau of Land Management requests public comment on the fair market value, maximum economic recovery and environmental assessment of certain coal resources it proposes to offer for competitive lease sale.

The lands included in Emergency Coal Lease Application ES 36413 are located in Fayette and Tuscaloosa Counties, Alabama and are described as follows:

Sandy Point Tract

T. 17 S., R. 10 W., Huntsville Meridian
Sec. 17, SW¼SW¼;
T. 17 S., R. 11 W., Huntsville Meridian
Sec. 12, SE¼SW¼;
Sec. 13, E½NW¼.
Containing 120 Acres.

The Sandy Point Tract represents the continuation of an existing underground mining operation. The coal resource being offered is to be mined from the existing mine.

Approximately 1.2 million tons of coal are expected to be mined from the tract, which contains approximately 850 thousand tons of recoverable coal from the Pratt Seam of the Pratt Group. On average, the Pratt coal is medium-volatile B bituminous in rank, ranges from 30 to 75 inches in thickness, has a parting thickness of 2 to 12 inches, and is an excellent coking coal that contains relatively little ash and sulfur. The indicators of quality for Pratt coal on the tract are 2.5% moisture, 8.2% ash, 1.8% sulfur, and an average of 13,833 BTU/lb.

The public is invited to submit written comments on the fair market value and the maximum economic recovery of the tract.

In addition, notice is given that a public hearing will be held on June 3, 1987, on the environmental assessment, the proposed sale, the fair market value, and maximum economic recovery of the proposed lease tract.

DATES: Comments must be received on or before May 19, 1987.

ADDRESSES: For more complete data on this tract, please contact Mr. Henry Beauchamp at (601) 965–4405, or at the Jackson District Office, Bureau of Land Management, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213.

The public hearing will be held on June 3, 1987 at 10:00 a.m. in the Conference Room, U.S. Geological Survey, Water Resources Division, 520 19th Avenue, Tuscaloosa, Alabama 35401.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Hale at (703) 274–0225.

SUPPLEMENTARY INFORMATION: In accordance with the Federal coal management regulations 43 CFR Parts 3422 and 3425, not less than 30 days prior to the publication of a notice of sale, the Secretary shall solicit public comments on fair market value appraisal and maximum economic recovery and on factors that may affect these two determinations. Proprietary data marked as confidential may be submitted to the Bureau of Land Management, Jackson District Office, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213 in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as proprietary by the author and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304 during regular business hours (7:30 a.m. to 4:00 p.m.) Monday through Friday.

Comments should be sent to the Bureau of Land Management, Jackson District Office, 300 Woodrow Wilson Drive, Suite 326, Jackson, Mississippi 39213 and should address, but not necessarily be limited to, the following information:

1. The method of mining to be employed in order to obtain maximum economic recovery of the coal;
2. The impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and
3. Methods of determining the fair market value of the coal to be offered.

The coal characteristics given above may or may not change as a result of comments received from the public and changes in market conditions that occur between now and the time at which final economic evaluations are completed.

R. Gale Wilson,

Acting State Director.

[FR Doc. 87–9467 Filed 4–24–87; 8:45 am]

BILLING CODE 4310–GJ–M

[AZ–020–07–4212–13; A–20295 thru A–20300]

Realty Action; Public Land Sales; Mohave County, AZ

April 17, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice replaces that Notice of Realty Action published in the **Federal Register** on November 7, 1985, in Vol. 50, No. 216, and on August 26, 1986, Vol. 51, No. 167.

DATE: The effective date of this action is May 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mike Berch, Realty Specialist, Kingman Resource Area, 2475 Beverly Avenue, Kingman, Arizona 86401, (602) 757–3161.

SUPPLEMENTARY INFORMATION: During the week of January 13, 1986, the following described public land was sold and purchase monies paid under section 203(a) of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2750, 43 U.S.C. 1713:

Gila and Salt River Meridian, Arizona

T. 19 N., R. 20 W.
Sec. 14, lot 12
Sec. 23, lots 11 to 14, incl., lots 16 and 17;
The area described aggregates approximately 5.37 acres of public land in Mohave County.

The land is involved in the lawsuit of National Wildlife Federation vs. Robert F. Burford et al., Civil Action 85–2238. On February 10, 1986, a court injunction prohibited the Bureau of Land Management from issuing patent even though purchase monies had been

received. The purpose of the notice is to protect the land until the lawsuit is resolved and patents transferring title to the purchasers can be issued.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-9311 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-32-M

[OR-35382; OR-943-07-4220-11: GP-07-160]

Oregon; Conveyance of Public Lands: Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 837.63 acres of public lands out of Federal ownership. This action will also open 2,645.12 acres of reconveyed lands to surface entry.

EFFECTIVE DATE: May 29, 1987.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208. (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 837.63 acres of lands in Crook County, Oregon, from Federal to private ownership.

2. In the exchange, the following described lands has been reconveyed to the United States:

Willamette Meridian

T. 16 S., R. 17 E.,
Sec. 36.
T. 17 S., R. 17 E.,
Sec. 1, lots 1, 2, and 4, SW¼NE¼, S½NW¼, and E½SE¼;
Sec. 2, lots 1, 2, and 3, and SW¼NE¼;
Sec. 12, SE¼NE¼, E½SE¼, and SW¼SE¼.
T. 16 S., R. 18 E.,
Sec. 19, lots 1, 2, 3, and 4, and E½W½;
Sec. 30, lots 2, 3, and 4, E½NW¼, and NE¼SW¼.
T. 17 S., R. 18 E.,
Sec. 6, lots 6 and 7;
Sec. 7;
Sec. 8, W½W½;
Sec. 17, NW¼NW¼.

The areas described aggregate 2,645.12 acres in Crook County.

3. At 8:30 a.m., on May 29, 1987, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on May 29, 1987, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. The mineral estate in the lands described in paragraph 2 was not reconveyed to the United States and remains out of Federal ownership.

Dated: April 14, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-9486 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-33-M

Fish and Wildlife Service

Environmental Impact Statement; Honeoye Creek Wetland Project, NY

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Ralph W. Abele, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, (617) 965-5100, Extension 382.

Summary

Pursuant to the New York State Environmental Quality Review Act (SEQRA), the National Environmental Policy Act (NEPA), and implementing regulations, the New York State Department of Environmental Conservation (the "Department") and the United States Fish and Wildlife Service (the "Service") jointly issue this Record of Decision/Statement of Findings upon consideration of the Final Environmental Impact Statement (FEIS) on the Honeoye Creek Wetland Project.

The Department and the Service have evaluated and considered the alternatives for the long range conservation and management of the Honeoye Creek Wetland presented in the FEIS and have reviewed the public comments. Based on that evaluation and review, the Department and the Service have selected the Proposed Action Alternative described in the FEIS for implementation. This determination was based on a thorough analysis of environmental, social, economic and other essential considerations.

Background

The Honeoye Creek Wetland was selected as a candidate for public acquisition and management with State Funds under the 1972 Environmental Quality Bond Act and Federal Funds under the Pittman-Robertson Act. The wetland consists of approximately 800 acres of emergent marsh and wooded swamp located in the Town of Richmond, Ontario County, New York, just north of the hamlet of Honeoye. Surrounding the wetland is an area of productive agricultural land and other uplands totaling an additional 1300 acres that have been proposed for acquisition and management to provide access to the wetland and to serve as a buffer zone for the wetland.

The primary goals of the Department in this area are the long term preservation of the wetlands, the fostering of public use and enjoyment of the area, and the management of habitat in the wetland and adjoining uplands to enhance wildlife populations.

The public participation process on this proposal began in 1978 with contacts to determine landowner interest in the acquisition program. Since that time extensive public input has occurred including public information meetings, civic and environmental organization presentations, formal hearings, and public comment periods.

The Selected Alternative

The selected alternative is the Proposed Action described in the FEIS. This alternative was developed by a committee comprised of representatives of the landowners, the Town of Richmond, the Department, and former State Assemblyman Richard Wesley. The committee was formed in 1985 to explore means of compatibly resolving the concerns of local residents and the goals of the Department. The committee held a lengthy series of meetings, during which the elements of the Proposed Action alternative were developed.

This alternative involves the execution and implementation of voluntary cooperative agreements between the landowners and the Department, as authorized by section 24-0901 of the Environmental Conservation Law. These agreements may apply to lands within the "Project Area" (the wetland and a 100 foot buffer area) or the "Optional Cooperative/Purchase Agreement Area" (uplands surrounding the "Project Area"), or both (see attached map). The agreements will contain certain common provisions, but will be individually negotiated and reasonably tailored to each landowner's needs and desires. The basic purpose of the agreements will be to limit land uses and developments that are incompatible with wetland preservation and to provide for certain public uses of lands subject to the agreements. In addition, the agreements may provide for management activities such as planting

of designated grasses, shrubs and trees, special mowing practices, and construction of ponds.

This alternative provides great flexibility to the landowner. He may choose to sell land to the Department, sell a less-than-fee interest, enter into a cooperative agreement, sell to another private individual or retain full ownership and control. At the same time, the alternative meets the Department's basic objectives of wetland preservation and public use and enhancement. Construction of access sites, trails, water areas, boundary and informational signs, and the establishment and maintenance of wildlife food, cover, and nesting areas would be accomplished on the area over time.

Maintenance of viable agricultural activity by private parties is included in the alternative both on lands purchased by the Department and on lands under cooperative agreements. Agricultural uses on public lands would be conducted pursuant to special permits that include certain conditions to protect the wetland. The Department's experience with special permits in other wetland areas demonstrates that these conditions do not unreasonably impede agricultural activities. Few, if any, agricultural restrictions would be imposed on lands under cooperative agreements, other than a limitation on drainage of wetland for conversion to agricultural use.

As it proceeds to implement this project, the Department will continue to meet with two existing committees that are concerned about certain aspects of the project. The committee of local landowners and Town of Richmond representatives will meet as appropriate to discuss the form and content of the cooperative agreements, the Department's timetable for project implementation and other matters of local concern. Concurrently, the Department will work with a committee of agricultural experts, including representatives of the Department of Agriculture and Markets, to develop guidelines for agricultural practices on lands within the Honeoye Creek Wetland Project area and similar areas (agricultural practicies on lands purchased with Federal assistance funding must be of benefit to wildlife resources on those lands).

Other Alternatives Considered

Five reasonable alternatives were presented in the FEIS in addition to the Proposed Action. The no action proposal would involve the Department only to the extent of implementing existing environmental laws and regulations within the project area. Current trends of land use would continue as regulated by local governments. Increased residential and commercial development would likely occur, resulting in losses of wetland and wildlife habitat. The natural and human-expedited processes of eutrophication and succession in the wetland could reduce its size and value over time. Unpredicted land uses could occur that would detrimentally affect the conservation of the area's natural resources.

The Full Potential Alternative would involve State acquisition of lands and property rights within the entire 2100-acre area. After acquisition, development of public use facilities, a large waterfowl impoundment, smaller water, areas, and other measures to benefit wildlife would occur. Some agricultural land would be converted to public uses. Regulated public recreational uses would be permitted on all lands acquired. This alternative would be the most expensive, is the most controversial due to the real and perceived environmental, social and economic impacts, but would have best met the Department's goals for this area.

The Reduced Impoundment Alternative also envisioned the acquisition of lands and real property interests within the entire 2100-acre area, but less would be needed in fee. Development of public use facilities, a smaller impoundment, water areas and habitat management activities would occur. Regulated public recreational uses would be permitted, and some loss of agricultural land would occur. The environmental, social and economic impacts would be considerable, though somewhat less than the Full Potential Alternative. Moreover, this alternative is controversial in the local community and it would be expensive to implement.

The Wetland Preservation Alternative discussed the purchase of only the wetland, a minimal buffer area around it, selected access sites, and lands of the Nature Conservancy at the north end of the area. This action would serve to eliminate direct loss of the wetland, but would not address indirect losses due to eutrophication and succession. Limited public access and use would result. Environmental, social and economic impacts were identified as being less than the Reduced Impoundment Alternative, and some looal support for this alternative was evident. However, this alternative would not have met some of the Department's goals and it remained quite controversial in the local community.

The Nature Conservancy Alternative involved the transfer of ownership of approximately 635 acres of land, including about 25 acres of the Honeoye Creek Wetland proper, to the Department. No wetland enhancement would be done, but public access and use of these lands would be permitted and some upland management to complement the wetland would have been performed. Social, economic and environmental impacts would have been minimal with this alternative, but the Department's goals for the nearby wetland area would have remained largely unsatisfied.

The Minimization of Impacts and Public Concerns

The Proposed Action alternative incorporates measures to minimize the adverse environmental, social and economic impacts as much as practicable. Through the exhaustive public participation process, the means to accomplish the goals and objectives of the landowners, the Town and the Department were identified, discussed, and modified to the point where major issues of controversy have been substantially resolved. Continued public participation during project implementation will further reduce real or perceived impacts on social and natural resources. The specific measures to minimize impacts of and public concerns about the selected alternative are identified in the Findings and Decision section of this document.

Findings and Decisions

Having reviewed and considered the FEIS for the Honeoye Creek Wetland Project and the public comments thereon, the Department and the Service find as follows:

1. The requirements of SEQRA, NEPA and implementing regulations have been satisfied; and

2. Statutory authority for the project exists under Articles 3, 11, 24 and 51 of the Environmental Conservation Law and implementing regulations; and

3. Statutory authority for the Service's funding of the project exists under the Pittman-Robertson Act, 16 U.S.C. 669–669i; and

4. The Proposed Action alternative represents the best balance between the Department's goals and objectives and the public concerns identified through the public participation process; and

5. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Proposed Action alternative is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and

6. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

Having made the above findings, the Service and the Department have decided to proceed, as funding permits, with implementation of the Proposed Action alternative, including the development, negotiation and execution of cooperative agreements; the transfer of lands from the Nature Conservancy to the Department; the purchase of lands from willing sellers within the Project Area and the Optional Cooperative/Purchase Agreement Area; and the implementation of development and management measures on lands acquired by the Department or subject to cooperative agreements. The decision to implement this alternative is subject to the following conditions that will minimize or avoid the environmental impacts and public concerns identified during the environmental impact statement process:

a. The Department will continue to meet with the committee of local landowners and Town of Richmond representatives to discuss the form and content of cooperative agreements, plans for implementation of the project, and other matters of public concern.

b. The Department will participate on a committee of agricultural experts and representatives to develop guidelines for agricultural practices on lands owned by the Department, or subject to cooperative agreements with the Department (agricultural practices on land purchases with Federal assistance funding must be of benefit to wildlife resources on those lands).

c. In connection with this project, the Department will exercise the power of eminent domain within the Project Area and the Optional Cooperative/Purchase Agreement Area only after complying with the requirement of the Eminent Domain Procedures Law and in the following circumstances:

(1) A landowner consents to appropriation in order to clear title to his land, resolve a disagreement over the value of his land, or for other reasons.

(2) An imminent land use or development threatens the wetland and/or its benefits and the threat cannot be resolved by other means.

d. Small impoundments may be created in the project area and in the optional/purchase agreement area by the construction of dikes provided that the impoundment has been demonstrated to have no significant adverse effects on any adjacent properties. DEC will prepare a plan for the development of all such impoundments and shall provide notice of the completion of the plan to all project area landowners and the Town of Richmond at or prior to the time that the first application for necessary regulatory approval of an impoundment is filed. In addition, notice of the proposed construction of each impoundment will be provided by DEC to all project area landowners at the time the first application for regulatory approval of the impoundment is filed. All applicable regulatory requirements and approvals including the Federal Flood Insurance and Corps of Engineers requirements and ECL Article 8, Environmental Quality Review; Article 15, Stream disturbance and dam construction; and Article 24, Wetlands; will be satisfied or obtained.

e. Construction-related impacts on wildlife, such as noise, soil disturbance, and human activity, will be minimized by timing these activities to occur in mid-summer and early fall when wildlife would be least disturbed.

f. Construction-related erosion and siltation will be controlled by seeding and other conservation measures.

This Statement of Findings/Record of Decision will serve as the written facts and conclusions relied upon in reaching this decision. This statement of Findings/Record of Decision was approved by Henry G. Williams, Commissioner of the New York State Department of Environmental Conservation.

Dated: April 14, 1987.

William C. Ashe,

Acting Regional Director, United States Fish & Wildlife Service.

[FR Doc. 87-9229 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit Issued for the Months of January, February, March 1987

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit application duly received according to section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, telephone (703/235-1903) between the hours of 7:45 a.m. to 4:15 p.m. weekdays.

January 1987

Philadelphia Zoo Gardens	X712863	Jan. 5.
San Diego Zoo	X713633	Jan. 7.
San Diego Zoo	X711275	Jan. 13.
Nat. Museum of Natural History	X709016	Jan. 21.
Henry Doorly Zoo	X714109	Jan. 21.
Frank Mazzotti	X713497	Jan. 21.
Salas, Theodore	X713869	Jan.

February 1987

Dallas Zoo	X713227	Feb. 2.
N.C. State Mus. of Nat. His.	X713937	Feb. 5.
White Oak Plantation	X715416	Feb. 5.
Michael P. Yoder-Williams	X694894	Feb. 5.
Washington Park Zoo	X715417	Feb. 6.
Peregrine Fund Zoo	X713339	Feb. 12.
Hogle Zoological Garden	X714333	Feb. 18.
San Diego Zoological Society	X714698	Feb. 24.
Anderson, Lee R.	X715129	
U.S. Bureau of Reclamation	X714595	Feb. 25.
San Diego Zoological Society	X714683	Feb.

March 1987

Sutterlin, John	X714657	Mar. 6.
San Antonio Zoological Garden	X714690	Mar. 6.
Kenneth T. Winters	X714188	Mar. 10.
Soco Garden Zoo	X714699	Mar. 11.
San Diego Zoological Society	X714692	Mar. 11.
Vandore Nurseries, Inc	X713917	Mar. 20.
John C. Avise	X715472	Mar. 30.
Peter Pauls Nurseries	X717060	Mar. 30.

Dated: April 21, 1987.

Earl B. Baysinger,

Chief, Federal Wilflife Permit Office.

[FR Doc. 87-9411 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-10-M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*, the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and the regulations governing marine mammals and endangered species (50 CFR Parts 17 and 18).

Applicant: Name: Natural History Museum of Los Angeles County, 900 Exposition Blvd., Los Angeles, California 90007, File No. PRT-717015.

Type of Permit: Scientific Research.

Name of Animals: All species of Cetacea (whales, porpoises, and dolphins), all species of Pinnipedia (seals and walrus), all species of Sirenia

(manatees and dugongs), sea otters and marine otters.

Summary of Activity to be Authorized: The applicant proposes to import these animals for research on species distribution and for disposition in the Mammal Collection.

Source of Marine Mammals for Research: Specimens to be salvaged from naturally occurring strandings or salvaged as a result of fishing boat incidental takes, mortalities due to research or management programs or from specimens killed by subsistance users.

Period of Activity: 5 years.

Concurrent with the publication of this notice in the Federal Register, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) in Room 601 N. Glebe Road, Arlington, Virginia.

Dated: April 21, 1987.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 87-9412 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Advisory Committee on Water Data for Public Use; Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use (ACWDPU) will be held May 19-21, 1987, at the Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia. This Committee will meet in conjunction with its Federal counterpart, the Interagency Advisory Committee on Water Data (IACWD), and jointly discuss the status of the Nation's water-quality information activities. Other topics of discussion will be nationwide water-quality data collection and analysis activities and ways of improving water-quality information.

The ACWDPU consists of individuals and representatives of water resources-oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community in plans, policies, and procedures related to water data programs. The Director of the U.S. Geological Survey (USGS) is Chairman of the Committee.

The IACWD represents the interests of Federal agencies involved in the acquisition or use of water data. It has a continuous responsibility to advise the Department of the Interior, through USGS, on activities pursuant to the coordination of Federal water data activities. The Chief Hydrologist of the Water Resources Division, USGS, is Chairman of the Committee.

The meeting will convene at 8 a.m. on Tuesday, May 19, 1987. Specific items on the agenda include reports from numerous Federal agencies concerning their water-quality activities. Agencies reporting include the U.S. Army Corps of Engineers, the Environmental Protection Agency, the Soil Conservation Service, and USGS. A panel will discuss nationwide water-quality analysis activities, and work groups will address problems that may be identified. The meeting will adjourn at 11:45 a.m. on Thursday, May 21, 1987.

The meeting will be open to the public, and anyone wishing to attend or desiring additional information should contact Donald K. Leifeste, Acting Chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Virginia 22092. His telephone number is (703) 648-5016. A report summarizing the meeting will be available approximately 4 weeks after the meeting.

Dated: April 17, 1987.

Donald K. Leifeste,

Acting Chief, Office of Water Data Coordination.

[FR Doc. 87-9368 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Great Basin National Park, NV; Legal Description

AGENCY: National Park Service, Interior.

ACTION: Notice of legal description.

Pub. L. 99-565 dated October 27, 1986, established Great Basin National Park as generally depicted on a map titled "Boundary Map, Great Basin National Park, Nevada," numbered NA-GB 20,017, and dated October 1986. Pursuant to section 2(c) of that Act a legal description is provided and is depicted on that map titled "Boundary Map, Great Basin National Park, White Pine County, Nevada," Drawing No. 148/20,017 dated October 1986. The lands set forth below comprise approximately 77,109.15 acres and are located in the Mount Diablo Meridian. All sections are unsurveyed and protracted unless otherwise noted. Acreages shown are therefore approximate and subject to survey.

Description	Acreage
T. 11 N., R. 68 E.	
Sec. 1, that portion lying easterly of the crest of Highland Ridge.	±258.00
T. 11 N., R. 69 E.	
Secs. 4 through 9, inclusive	3,875.00
Sec. 10, except any portion of Patented Mineral Survey No. 4432A, Serial No. 874491, lying within said Sec. 10; and	639.00
Secs. 15, 16, 17 and 18	2,579.00
T. 12 N., R. 68 E.	
Secs. 1 and 2	1,344.00
Sec. 3, E½	336.00
Sec. 10, E½	320.00
Sec. 11, except those portions of Patented Mineral Survey No. 37, Serial No. 2590, and Patented Mineral Survey No. 4289, Serial No. 589024, lying within said Sec. 11	601.00
Secs. 12 and 13	1,258.00
Sec. 14, all that part lying easterly of the easterly line of Patented Mineral Survey No. 4289, Serial No. 589024; also, all that part of the S½ lying westerly of the westerly line of the aforesaid Patented Mineral Survey No. 4289	±427.00
Sec. 15, SE¼, except that portion of Patented Mineral Survey No. 40, Serial No. 2592, lying within said SE¼	±157.00
Sec. 22, E½, except any portion of Patented Mineral Survey No. 40, Serial No. 2592, lying within said E½	320.00
Sec. 23, except that portion of Patented Mineral Survey No. 4289, Serial No. 589024, lying within said Sec. 23	610.00
Secs. 24 and 25	1,280.00
Sec. 26, all that portion lying north and east of the diagonal line connecting the northwest and southeast corners of said Sec. 26; and	320.00

Description	Acreage
Sec. 36, all that portion described as beginning at the northwest corner of said Sec. 36; thence southeasterly along the diagonal line connecting the northwest and southeast conrers of said Sec. 36, to the crest of Highland Ridge; thence in a southerly direction along the crest of said ridge to the south line of said Sec. 36; thence easterly along the south line of said Sec. 36 to the southeast corner thereof; thence northerly along the east line of said Sec. 36 to the northeast corner thereof; thence westerly along the north line of said Sec. 36 to the point of beginning	±352.00
T. 12 N., R. 69 E.	
Secs. 1 through 12, inclusive	7,637.00
Sec. 13, all that portion lying northerly of the south bank of Snake Creek	±297.00
Secs. 14 through 23, inclusive; and	6,427.00
Secs. 26 through 35, inclusive	6,431.00
T. 12 N., R. 70 E.-surveyed	
Secs. 5, 6, 7 and 8	2,510.67
Sec. 17, all that portion lying northerly of the south bank of Snake Creek; and	±107.00
Sec. 18, all that portion lying northerly of the south bank of Snake Creek	±348.00
T. 13 N., R. 68 E.	
Secs. 1, 2, and 3	1,920.00
Sec. 4, all that portion lying south and east of the diagonal line connecting the northeast and southwest corners of said Sec. 4	320.00
Secs. 9 through 16, inclusive	5,120.00
Secs. 21 through 27, inclusive; and	4,480.00
Secs. 34, 35 and 36	1,971.00
T. 13 N., R. 69 E.	
Surveyed Lands	
Lehman Caves National Monument; and	640.00
Sec. 10, Lots 1, 2 and 4 (surveyed)	122.09
Unsurveyed Lands	
Secs. 4 through 9, inclusive	3,865.00
Sec. 10 (unsurveyed portion)	382.00
Secs. 15 through 22, inclusive; and	4,667.00
Secs. 25 through 36, inclusive	7,749.00
T. 13 N., R. 70 E.-surveyed	
Sec. 31	632.16
T. 14 N., R. 68 E.-surveyed	
Sec. 22, S½	320.00
Sec. 23, S½	320.00
Sec. 24, S½	320.00
Secs. 25, 26 and 27; and	1,920.00
Secs. 34, and 36	1,920.00
T. 14 N., R. 69 E.-surveyed	
Sec. 29, W½	320.00
Secs. 30 and 31; and	1,345.18
Sec. 32, W½	320.00
	77,109.15

The boundary map depicting the above lands is retained by the National Park Service, Western Regional Office, P.O. Box 36063, San Francisco, California 94102 and the Office of the National Park Service, Department of the Interior, P.O. Box 37127, Washington, DC 20013-7127. For further information contact: Ed Haberlin, Chief, Division of Land Resources, Western Region, National Park Service, Box 36063, 450 Golden Gate Avenue, San Francisco, California 94102.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 87-9454 Filed 4-24-87; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 303-TA-18 (Final) and 731-TA-332 and 333 (Final)]

Certain Fresh Cut Flowers From Peru, Kenya, and Mexico

Determinations

On the basis of the record [1] developed in its countervailing duty investigation, the Commission has made its determinations pursuant to section 303(a) of the Tariff Act of 1930 (19 U.S.C. 1303), as amended (the "Act"). In the tabulation of the Commission's determinations which follows, a determination of "affirmative" indicates that the Commission determines that an industry in the United States is materially injured by reason of imports of certain fresh cut flowers,[2] provided for in items 192.17 and 192.21 of the Tariff Schedules of the United States (TSUS),[3] which have been found by the U.S. Department of Commerce to be subsidized by the government of Peru:

Country	Investigation No.	Product	Determination
Peru	303-TA-18 (Final)	Miniature carnations	Negative [1]
		Pompom chrysanthemums	Affirmative [2]
		Gypsophila	Negative

[1] Commissioners Eckers and Rohr find threat of material injury. They would not have found material injury by reason of the imports but for suspension of liquidation of that merchandise.
[2] Chairman Liebeler and Vice Chairman Brunsdale dissenting.

On the basis of the record developed in its antidumping investigations, the Commission has made its determinations pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). In the tabulation of the Commission's determinations which follows, a determination of "affirmative" indicates that the Commission determines that an industry in the United States is materially injured by reason of imports of certain fresh cut flowers,[2] provided for in items 192.17 and 192.21 of the TSUS, which have been found by the U.S. Department of Commerce to be sold in the United States at less than fair value:

Country	Investigation No.	Product	Determination
Kenya	731-TA-332 (Final)	Standard carnations	Affirmative [1]
		Miniature carnations	Negative
Mexico	731-TA-333 (Final)	Standard carnations	Affirmative [1]
		Standard chrysanthemums	Affirmative [1]
		Pompom chrysanthemums	Affirmative [1]

[1] Chairman Liebeler and Vice Chairman Brunsdale dissenting.

[1] The record is defined in sec. 207.2(i) of the Commission's rules of practice and procedure (19 CFR 207.2(i)).

[2] A determination of "negative" indicates that the Commission determines that an industry in the United States is not materially injured, nor threatened with material injury, nor is the establishment of an industry in the United States materially retarded, by reason of imports of certain fresh cut flowers.

[3] Miniature carnations are provided for in item 192.17 of the Tariff Schedules of the United States (TSUS). All other fresh cut flowers subject to these investigations are provided for in item 192.21 of the TSUS.

Background

On October 27, 1986, the U.S. Department of Commerce published its preliminary determination that benefits which constitute bounties or grants are being provided to producers of exporters of certain fresh cut flowers in Peru. On November 3, 1986, Commerce published its preliminary determinations that certain fresh cut flowers from Kenya and Mexico are being, or are likely to be, sold in the United States at less than fair value. Accordingly, effective October 27, 1986, the U.S. International Trade Commission instituted final investigations under the applicable provisions of the Tariff Act of 1930 to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports of the subject products into the United States.

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing notices in the **Federal Register** of November 19, 1986 (51 FR 41840), and January 7, 1987 (52 FR 610). The Commission's hearing was held in Washington, DC, on February 2, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 9, 1987. The views of the Commission are contained in USITC Publication 1968 (April 1987), entitled "Certain Fresh Cut Flowers from Peru, Kenya, and Mexico: Determinations of the Commission in Investigations Nos. 303–TA–18 (Final) and 731–TA–332 and 333 (Final) Under the Tariff Act of 1930, Together with the Information Obtained in the Investigations."

By order of the Commission.

Issued: April 13, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–9486 Filed 4–24–87; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Application; Sigma Chemical Co.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 23, 1987, Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers (7405).	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocyn (7438)	I
Heroin (9200)	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Benzoylecgonine (9180)	II
Morphine-3-Glucuronide (9329)	II

A maximum of 25 grams for each of the above listed substances will be imported annually and will be utilized in researcher or analytical studies.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 27, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: April 21, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87–9363 Filed 4–24–87; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application; Western Fher Laboratories, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 8, 1987, Western Fher Laboratories, Inc., Carretera 132, KM 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Phenmetrazine and its salts (1631).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and

may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than May 27, 1987.

Dated: April 21, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-9364 Filed 4-24-87; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before June 8, 1987. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending Approval

1. *Department of the Air Force (N1-AFU-86-66).* Force and Financial Program (F & FP) records (schedule provides for permanent retention of record sets of program documents).

2. *Department of Agriculture, Agricultural Research Service, Bureau of Human Nutrition and Home Economics (defunct) (N1-176-87-1).* Memoranda of understanding between experiment stations and state university home economics departments.

3. *Interstate Commerce Commission, Office of the Secretary, Dockets Branch (NC1-134-83-1).* Public dockets.

4. *Defense Logistics Agency, Office of Personnel Management (N1-361-86-6).* Records relating to personnel position management reviews.

5. *Department of Energy, Management and Operating Contractors, Weapons Facilities (N1-434-87-1).* Radiographs taken for quality control purposes during manufacture of weapons system components.

6. *Department of Energy, Strategic Petroleum Reserve Project Management Office (NC1-434-85-4).* Oil Inventory Accounting Records used to track receipt and shipment of oil up to deposit in a final storage site.

7. *Department of Health and Human Services, Health Care Financing Administration (N1-440-87-1).* End stage renal disease cost reports submitted by Medicare providers.

8. *Department of Housing and Urban Development (N1-207-87-2).* Reduction in retention period for Single Family Home Mortgage case files insured through 1967.

9. *Department of Justice, Civil Division, Foreign Litigation Section (N1-131 86-1, -2, -3, -4, -8, -9, -10, -11, -13, -16, -17, -19, -21, -22, -24, -25, -26, -27, -29, -30, and N1-131-87-1).* Administrative and fiscal records of the Office of Alien Property, 1920-66, relating to activities arising from World War II, including the control or vesting of foreign-owned property in the United States.

10. *Department of Justice, Office of Special Investigations (N1-60-87-2).* Visa applicant investigation and displaced persons case files.

11. *National Archives and Records Administration, Office of Records Administration (N1-GRS-87-8).* Proposed addition to the General Records Schedule covering data submitted to the Federal Procurement Data System.

Dated: April 20, 1987.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 87-4375 Filed 4-24-87; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by May 22, 1987.

ADDRESSES: Send comments to Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3002, Washington, DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202–682–5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202–682–5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The National Endowment for the Arts requests the reinstatement of a previously approved collection. The entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Music Professional Training/ Music Recording/Centers for New Music Resources Guidelines FY 1988.

OMB Number: 3135–0052.

Frequency of Collection: One-time.

Respondents: Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from nonprofit organizations that apply for funding under specific Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 200.

Estimated Hours for Respondents to Provide Information: 8,960.

Murray R. Welsh,

Director, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 87–9371 Filed 4–24–87; 8:45 am]

BILLING CODE 7537–01–M

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted on or before May 27, 1987.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786–0233, and Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503, (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786–0233, from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of hours needed to fill out the form. None of these entries is subject to 44 U.S.C. 3504(h).

Category Revision

Title: Process of Application, Evaluation, Award, and Report of NEH Summer Stipends.

Form Number: OMB No. 3136:0050.

Frequency of Collection: The program has a deadline once a year for applicants to apply for support. Applicants apply only when they need support.

Respondents: The respondents are scholars, writers, and teachers in the humanities.

Use: NEH uses the information solicited in the process of evaluation, award making, and final reporting for NEH Summer Stipends.

Estimated Number of Respondents: 4,911.

Estimated Hours for Respondents to Provide Information: At an average of 3.2 hours per response for each respondent, the total number of hours from all respondents is 15,567.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87–9409 Filed 4–24–87; 8:45 am]

BILLING CODE 7536–01–M

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Expansion Arts—Dance Programs Organizational Development Pilot Section) to the National Council on the Arts will be held on May 13, 1987, from 9:00 a.m.–5:30 p.m. and on May 14, 1987, from 9:00 a.m.–5:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on May 13, from 9:00 a.m.–9:45 a.m. and on May 14, from 2:00 p.m.–5:00 p.m. The topics for discussion will include general program overview and policy issues.

The remaining sessions of this meeting on May 13, from 9:45 a.m.–5:30 p.m. and on May 14, from 9:00 a.m.–1:00 p.m. are for the purpose of application review. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 22, 1987.

[FR Doc. 87–9436 Filed 4–24–87; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge Section) to the National Council on the Arts will be held on May 12, 1987, from 9:00 a.m.–5:30 p.m. in room M-14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

April 21, 1987.

[FR Doc 87-9437 Filed 4-24-87; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9520.

OMB Desk Officer: Carlos Tellez, (202) 395-3084.

Title: Survey of International Programs Principal Investigators.

Affected Public: Individuals.

Number of Responses: 750 responses; total of 375 burden hours.

Abstract: The National Science Foundation needs to gather evaluations of their foreign host institutions and science policy in their host countries to help evaluate future proposals from those institutions, to solve problems of access, and to follow host governments' science policy. This survey would greatly increase and regularize the flow to the Foundation of information learned from international grants.

Dated: April 21, 1987.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 87-9367 Filed 4-24-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8027; DD-87-07]

Sequoyah Fuels Corp.; Gore Oklahoma Facility; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director of the Office of Nuclear Materials Safety and Safeguards has taken action with regard to five Petitions for action under 10 CFR 2.206 with respect to the Sequoyah Fuels Corporation's Gore, Oklahoma Facility.

By Memorandum and Order dated October 10, 1986, Judge Frye, the presiding officer in a proceeding to authorize operation of the Sequoyah Fuels Corporation (SFC) to convert depleted uranium hexafluoride (UF6) to depleted uranium tetrafluoride (UF4), referred several matters to the staff for consideration under 10 CFR 2.206. The matters referred to the staff were raised in a motion filed on June 8, 1986, by Barbara Synar in the UF6 to UF4 proceeding. In that motion, entitled "Response to Order of May 22, 1986." Ms. Synar requested that the NRC deny SFC's application for a UF4 facility, close the existing facility, and require the decommissioning of the SFC operator. As grounds for her request, she raised, among other matters, concerns regarding SFC's ammonium nitrate fertilizer program. Similar concerns regarding SFC's fertilizer program were raised in letters to the Commission by Native Americans for a Clean Environment (NACE) dated May 22; Paula Strachan, dated June 10; and David Singer Burtner, dated June 26 and September 23, 1986. All of these individuals requested that the Commission hold formal public hearings on SFC's fertilizer program.

In his October 10 Memorandum and Order, Judge Frye referred the portion of Ms. Synar's motion concerning SFC's ammonium nitrate fertilizer program and the above referenced letters to the staff for consideration under § 2.206.

On July 18, 1986, Ed Henshaw filed a motion in the UF6 to UF4 proceeding entitled "Motion to Accept Specific Compliants" in which, among other matters, he raised concerns regarding the adequacy of security at the Sequoyah Fuels facility. In his October 10th Memorandum and Order, Judge Frye referred this portion of Mr. Henshaw's motion to the staff for consideration under § 2.206.

Upon consideration of the Petitions, the Director of the Office Nuclear Safety and Safeguards has determined that the allegations raised do not provide an adequate basis for the relief requested. The reasons are fully described in the "Director's Decision under 10 CFR 2.206" (DD-87-07) which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, NW., Washington, DC 20555, and in the local public document room for the Sequoyah Fuels Facility located at the Sallisaw City Public Library, 101 E. Cherokee, Sallisaw, Oklahoma 74955.

A copy of the Director's Decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 21st day of April 1987.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 87-9477 Filed 4-24-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Point Beach Nuclear Plant, Unit Nos. 1 and 2; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-24 and DPR-27, issued to Wisconsin Electric Power Company (the licensee), for operating of Point Beach Nuclear Plant, Unit Nos. 1 and 2, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendments would modify Technical Specification 15.5.3 to remove certain limitations on the repair of leaking fuel rods so long as the repairs proposed during a given outage can be justified by a cycle-specific reload analysis. The current Technical Specifications allow repair of a fuel assembly which is suspected of leaking by substitution of an inert rod for a leaking rod, or removal of the leaking rod leaving a vacancy or "water hole." This repair method is presently limited

to no more than one fuel rod in any single assembly and no more than six such modified assemblies may be in the core at any time. The proposed amendments would remove these limitations so long as a cycle-specific reload analysis is completed which justifies that safety limits would not be violated. Additionally, the proposed amendments would require that should filler rods be inserted into the vacancies, these rods will consist of either Zircaloy 4 or stainless steel in accordance with the licensee's applications for amendments dated March 12 and April 10, 1987.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples in 51 FR 7751. The examples of actions which involve no significant hazards consideration include Example (iii) which states: "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that the NRC has previously found such methods acceptable."

The licensee is not proposing to load fuel assemblies significantly different from those already approved for their facilities by the NRC. The licensee is merely requesting to eliminate the restrictions currently in effect relating to the number of assemblies and rods per assembly which may be repaired in accordance with approved repair procedures. The licensee has also indicated that all applicable safety criteria and margins will be met as supported by a cycle-specific reload analysis.

The licensee has evaluated the proposed change in accordance with the criteria of 10 CFR 50.92 to determine if the proposed amendments involve a significant hazards consideration. A proposed amendment involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability of consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has stated that the first criterion is met. The present Technical Specification allows for fuel rod substitution or vacancies. While the proposed change removes the limits specified for such cases, the requirement of satisfying a core-specific reload analysis remains in effect. By taking into account any fuel rod substitutions or vacancies, that analysis will verify that all applicable safety margins as defined in the licensing documents are not reduced. Therefore, there should be no increase in the probability or consequences of an accident.

The licensee also states that the second criterion is met. While fuel assemblies containing the rod substitutions or vacancies represent a change in the physical core configuration, it is not a significant change. Any such changes will be accounted for in the reload analysis. The proposed change states that rod substitutions or vacancies must be justified by reload analyses; therefore, the changes should not create the possibility of a new or different kind of accident.

The third criterion is also met for the same reasons described above. If the physical parameters of the reload core are evaluated as being within previously defined acceptance criteria, then a reduction in the margin of safety is precluded.

Based on the above, the staff proposes to determine that the amendments involve no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 AM to 5:00 PM. Copies of written comments received may be examined at the NRC Public Document Room, 1717, H Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 27, 1987, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affecterd by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affecterd by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the

first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matter within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, such to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW, Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator shoud be given Datagram Identification Number 3737 and the following message addressed to David Wigginton, Acting Project Director: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and the Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW, Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, DC, and the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

For the Nuclear Regulatory Commission.

David H. Wagner,

Project Manager, Project Directorate III–3, Division of Reactor Projects.

[FR Doc. 87–9476 Filed 4–24–87; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

[G5–457]

Establishment of Prescribed Minimum Educational Requirements for the Soil Conservation Series

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) has revised the prescribed minimum educational requirement for soil conservationists employed within the federal service. Soil conservation is a professional occupation and the revised requirements will facilitate the recruitment of qualified candidates for soil conservation in the Federal service. The minimum educational requirements for this occupation were last revised in 1970.

EFFECTIVE DATE: Notice effective February 1987.

ADDRESS: John E. Flannery, Division Chief, Qualification Standards Division, Career Entry Group; Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: John Flannery, (202) 653–5497.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 3308, OPM has established prescribed minimum educational requirements for soil conservationists employed within the Federal service. The requirements, the duties of the positions, and the reasons for OPM's decision that the requirements are necessary are set forth below: Soil Conservation Series, GS–457, GS–5 through GS–15.

Minimum Educational Requirements

Candidates for positions at all levels must show successful completion of paragraph A or B.

A. A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in soil conservation or closely related agricultural or natural resources fields such as agronomy, soil science, forestry, agricultural education, or agricultural engineering. The total course of study must have included 30 semester hours in an agricultural or natural resources field including at least 12 semester course hours in a combination of soils and crops or plant science. Of the 12 semester course hours, a minimum of 3 semester hours must be in soils, and 3 in crops or plant science.

B. A total of at least 30 semester hours of course work in one or more of the fields listed above in paragraph A, including 12 semester course hours in a combination of soils and crops or plant science. Of the 12 semester course hours a minimum of 3 semester hours must be in soils and 3 in crops or plant science. In addition to these requirements, candidates must have additional education or experience, which, when combined with the 30 semester hours of

course work, will total 4 years of education or 4 years of combined education and experience. The quality of such additional education or experience must have been sufficient to give the candidate professional and scientific knowledge equivalent to that normally acquired through the successful completion of a full 4-year course of study as described in paragraph A above.

Duties: Soil conservationists perform professional and scientific work in the conservation of soil and related environmental resources to achieve sound land use; and advise landowners, land managers, renters, and operators for farms, ranches, public land, commerical and residential acreage about planned treatment of property and how treatment can preserve, improve, and protect soil capabilities. Soil conservationists plan terraces and ponds, select cropping methods to reduce erosion, identify flood plains and acquifers for local governments, and develop conservation measures to reduce pollutants (sediment, pesticides, nutrients, organic wastes, salts, residue from saline soil and mine tailings) from reaching waterways. They advise community groups on the development of watershed projects that will lead to reduction of erosion, siltation, flooding, and the provision of recreational opportunities such as fishing, boating, and swimming.

Acquisition of Required Skills: Professional knowledge of the principles, concepts techniques, and practices of soil conservation or closely related agricultural or natural resource fields such as soil, agronomy, forestry, or agricultural engineering and of the underlying scientific concepts is essential for performing the work of soil conservation positions. The primary source for acquiring the necessary knowledge and preparation is through enrollment in a formal curriculum at an accredited college or university where professional instruction and guidance are available; where there are adequate scientific libraries, laboratories, and facilities for field study; where academic courses are arranged in a systematic, progressive sequence and where attainment of professional and scientific knowledge and skill may be competently assessed.

Reasons for Modifying Requirements: The revision in the minimum educational requirements increases the required academic course work in soils, crops, or plant science for those who apply for employment on the basis of education alone. The grouping of academic course work has been changed from the requirement described in the qualification standard published in 1970. This revision is designed to meet the need to assure fair and equitable consideration and placement for those who qualify on the basis of a combination of education and experience and for those who qualify on the basis of education alone. It also reflects the increased professional demands faced by soil conservationists resulting from current rural-urban land development and the corresponding need for complex technical soil and water conservation measures to minimize erosion losses as well as demands from new legislation extending soil conservation and water control requirements. OPM has decided, under the provisions of 5 U.S.C. 3308, that the duties of a professional soil conservationist position in the GS–457 series cannot be performed by an individual who does not have the minimum education prescribed above.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87–9483 Filed 4–24–87; 8:45 am]

BILLING CODE 6325–01–M

Request for Extension of RI 30–9 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. RI 30–9, Reinstatement of Disability Annuity Previously Terminated Because of Restoration to Earning Capacity, is used to inform disability annuitants of their right to request restoration. It specifies the conditions to be met and the documentation required for the individual to request reinstatement. There are 200 individuals who respond annually for a total public burden of 200 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632–7714.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to—

William C., Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6410, Washington, DC 20415.

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building, NW., Wahington, DC 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632–5472.

U.S Office of Personnel Management

James E. Colvard,

Deputy Director.

[FR Doc. 87–9482 Filed 4–24–87; 8:45 am]

BILLING CODE 6325–01–M

Request for Extension of RI 38–45 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980. (title 44, U.S.C., Chapter 35), this notice announces a request to extend a public informatin collection. Form RI 38–45, We Need the Social Security Number of the Person Named on the Back of This Form, is used by the Civil Service Retirement System to obtain the correct Social Security Number of annuitants or survivor annuitants. It is used to identify the records of individuals with similiar or the same names. It is also needed to report annuity payments to the Internal Revenue Service for tax purposes. There are 1,500 individuals who respond annually for a total public burden of 125 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632–7714.

DATES: Comments on this proposal should be received on or before May 7, 1987.

ADDRESSES: Send or deliver comments to—

William C. Duff, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632–5472.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87–9481 Filed 4–24–87; 8:45 am]

BILLING CODE 6325–01–M

Request for Extension of BRI 49-224.1 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. BRI 49-224.1, Initial Certification of Full-Time School Attendance, is used within the Civil Service Retirement System to determine if a student is eligible to receive survivor benefits. By law OPM is required to pay survivor benefits to children of deceased Federal employees if the children are (1) between the ages of 18 and 22, (2) unmarried, and (3) full-time students in a recognized school. There are 7,000 individuals who respond annually for a total public burden of 2,333 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632-7714.

DATES: Comments on this proposal should be received on or before May 7, 1987.

ADDRESSES: Send or deliver comments to—

William C. Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3201, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-9480 Filed 4-24-87; 8:45 am]

BILLING CODE 6325-01-M

Request for Extension of SF 2823 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S.C., chapter 35), this notice announces a request to extend a public information collection. SF 2823, Designation of Beneficiary Under the Federal Employees' Group Life Insurance Program, is completed by Federal employees and annuitants to designate beneficiaries under the Federal Employees' Group Life Insurance Program. There are 1,000 individuals who respond annually for a total public burden of 250 hours. For copies of this proposal call William C. Duffy, Agency Clearance Officer, on (202) 632-7714.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to—

William C. Duffy, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street NW., Room 6410, Washington, DC 20415

and

Richard Eisinger, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building NW., Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: James L. Bryson, (202) 632-5472.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-9479 Filed 4-24-87; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24367; File No. SR-CBOE-87-11]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 20, 1987, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

By means of this rule change filing the Exchange requests approval to list a new Standard and Poor's 500 Stock Index (S&P 500) option contract, which contract (NSX) shall be the same as the Exchange's current S&P 500 option contract (SPX) with one exception: NSX's exercise settlement value shall be based on an index value derived from opening, rather than closing, prices on the last trading day prior to expiration. NSX's expiration months under Exchange Rule 24.9(b) shall be March, June, September, and December, each listed as soon as practicable after approval of this rule change filing.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

By means of this rule change filing, the Exchange seeks approval to list a new S&P 500 option contract (NSX), which would be the same as the current S&P 500 option contract (SPX), except that its exercise settlement value will be based on opening prices of each stock comprising the index on the last trading day prior to expiration. This value will be different than the current index value at any point in time, since the opening prices of the constituent stocks will be established at different times. NSX will have expiration months of March, June, September and December, the same expiration months as the S&P 500 futures contract.

The Exchange takes this action because the Chicago Mercantile Exchange (CME) has moved the S&P 500 futures contract's settlement value to opening prices on the delivery date. CBOE continues to believe that heightened volatility at expiration of index options and futures can better be addressed by improving procedures for information dissemination at the close of trading than by changing the terms of contracts to provide for exercise settlement based on opening prices. However, in light of the action of the CME, CBOE believes it should promptly provide investors in SPX an alternative contract valued on the same basis as the S&P 500 future. Introduction of NSX will provide investors with offsetting S&P 500 futures and SPX positions with a means of alleviating risk resulting from disparate valuation methods.

While a change to outstanding contracts would appear more straightforward than introduction of new contracts with changed terms, that

[1] The Exchange intends to review the results of the June expiration and determine whether to continue with the NSX contract. If the Exchange determines to retain the contract it will subsequently file for permanent approval of NSX for contracts beyond December 1987. This proposal will be subject to a full notice and comment period.

alternative is not available. The Options Clearing Corporation, out of justifiable concern for potential liability, has declined to alter the terms of outstanding contracts. Therefore, if a contract settling based on opening stock prices is to be available to investors for the June 1987 expiration, that can only be accomplished by introducing altered June contracts alongside outstanding June contracts.

CBOE recognizes that the existence of two S&P 500 options contracts in the same expiration month with different methods of valuation may give rise to confusion. However, CBOE believes that the potential for confusion should not be an obstacle to introduction of NSX. SPX is used primarily by institutional investors, who have indicated a need to have the option settle as the future does. In addition, the Exchange is developing and will implement an education program.

The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), in that the change will facilitate transactions in options on the S&P 500.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is designed to promote competition by permitting Exhange customers to choose between S&P 500 option contracts valued at opening (NSX) or at closing (SPX) prices for exercise settlement purposes.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on this proposed rule change filing were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act so that it can open June contracts for trading on Monday, April 20, following the April expiration. The proposed rule change must be effective prior to the commencement of trading in the June series of both the S&P 500 futures and current SPX option contracts in order for NSX to effectively parallel trading in the CME's S&P 500 contract.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The proposed rule change will enable the CBOE to introduce an option contract that will settle based on the opening prices of component securities, while retaining the afternoon settlement procedures in its established SPX contract. NSX will provide investors with a means of offsetting positions in the CME's S&P 500 futures contract that will also settle based on opeing prices in component securities at the June expiration. NSX will have expiration months of June, September and December, the same months as the S&P 500 futures contract.

The Commission finds good cause for approving the proposed rule change prior to the thirthieth day after the date of publication of notice of filing thereof because of the need to introduce the contract prior to commencement of trading in the June S&P 500 contracts that is scheduled for Monday, April 20, 1987. As previsously noted, the Exchange intends to review the results of the June expiration and will then decide whether to file for permanent approval of NSX beyond the December contracts. Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-9447 Filed 4-24-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24364; File No. SR-NASD-87-20]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. To Modify the Pilot Program Jointly Undertaken With the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 16, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD") is requesting that the Securities and Exchange Commission ("Commission") approve two modifications to the terms of the Pilot Program, contained in File No. SR-NASD-86-4, jointly undertaken by the NASD and the International Stock Exchange of the United Kingdom and the Republic of Ireland, Ltd. (the "Exchange"), formerly The Stock Exchange, London, England.

In its present form, the Pilot Program provides for an electronic exchange of market data between the NASD and the Exchange, without charge, on a group of securities of international interest. Such data is then retransmitted by the recipient (NASD or Exchange) to all subscribers of either the NASDAQ Level 2/3, TOPIC or TOPICLINE service. This proposed rule change will prospectively limit access to the subject market data, at no cost, solely to those NASDAQ market makers and Exchange dealers making markets in issues which are quoted in the linkage and traded in both marketplaces. Additionally, the rule change proposes to extend the term of the Pilot Program until June 3, 1989, a two-year period running from the

expiration of the Commission's interim approval order.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposal and discussed any comments it received on the proposal. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule filing is twofold: (i) To obtain Commission approval of the NASD's Pilot Program with the Exchange for a full two years from the date of approval of this filing, and (ii) to permit continued access to linkage data at no additional cost only to those NASDAQ market makers and Exchange dealers making markets in one or more issues which are quoted in the linkage and traded in both market centers. Other parties wishing access to this data will have to pay the established fee for the NASD's National Quotation Data Service ("NQDS") or the Exchange's CRS Data Services.

Since the inception of the Pilot Program's historic quotation linkage in April, 1986, it has operated pursuant to a series of temporary approval orders issued by the Commission. The most recent order extended the Commission's approval of Pilot linkage only through June 3, 1987. This tentative approach has deterred commitment of additional resources to enhance automation capabilities in the areas of order handling and market surveillance. Moreover, this uncertainty has even prompted doubts about the viability of the Pilot Program itself. Accordingly, the NASD seeks Commission approval of the Pilot Program for a two-year term expiring on June 3, 1989. The NASD regards this as the minimum period needed to justify the application of further automation resources to the Pilot Program. In addition, approval for two years would encourage broader participation by international dealers, enhance opportunities for directing orders to the market offering the best price, improve liquidity in the markets for eligible securities, and promote complementary enhancements to international clearance and settlement processes. The NASD posits that a two-year extension of the Pilot Program is essential for a meaningful test of this historic experiment in the linkage of two world class securities markets.

As noted previously, the Commission has declined to grant permanent approval of the Pilot Program for a meaningful period. This hesitancy is not based on any regulatory concern arising from the day-to-day operation of the Pilot linkage. Rather, the Commission's stance relates to the fact that the broker/dealers able to access quotes disseminated via the linkage are not assessed a fee for that access. This issue was raised by one vendor of securities market information (hereinafter referred to as the "Vendor") during the Commission's notice and comment process on the original rule filing (File No. SR–NASD–86–4).[2] Vendor claimed that this aspect of the Pilot Program was anticompetitive because Vendor could not obtain access to linkage data (particularly market makers' quotations) from the NASD on the same terms as the Exchange and its member broker/dealers, *i.e.*, at no cost. Further, Vendor argued that the NASD was utilizing its status as a self-regulatory organization to impede competition from Vendor by virtue of the NASD's receiving quotation information from the Exchange on a preferential basis.

The NASD asserts that the competitive concerns raised by Vendor lack merit and appear based upon a misperception of the NASD's motivations in structuring member's access to Pilot Program data. The access parameters established in the original rule filing were intended to promote the broadest exposure of NASDAQ marketplace date among the Exchange's dealer firms (and vice versa). It was hoped that such breadth would stimulate trading interest in eligible securities among retail firms as well as dealers in the linked market centes. In sum, the structure of the original Pilot Program was designed to achieve a viable linkage between two distinct dealer markets in a limited group of securities traded internationally. That structure was not intended to disadvantage vendors of securities information nor to establish the NASD as a competitor of such vendors abroad.

The NASD and the Exchange remain committed to the concepts and goals underlying the structure of the Pilot Program. Achievement of those goals is dependent upon expanding applications of technology to the initial linkage. To allow this evolutionary process to continue, the NASD proposed to modify the Pilot Program's access terms respecting market data. This modification is designed to allay the competitive concerns previously raised by Vendor. The proposed modification will restrict access to linkage data without charge solely to those NASDAQ market makers and Exchange dealers making markets in issues that are quoted in the linkage and traded in both market centers.[3] With respect to the NASD's market makers, this is determinable by reference to the number of Level 3 terminals utilized by the participating firms that are capable of entering (and receiving) quotations in securities common to both markets. This limitation would result, for example, in approximately 109 NASDAQ market makers and 32 Exchange dealers in about 50 securities receiving data without charge, based on April 1987 usage data.[4] The aforementioned NASDAQ market makers could access quotations from the Exchange's dealers on approximately 1,634 NASDAQ Level 3 terminals.[5] Similarly, the Exchange's 32 dealer firms could access the NASDAQ market makers' quotes in the subject securities on approximately 1,400 terminals that receive TOPIC or TOPICLINE service and are located in the "dealing area" of those firms.[6]

[1] Securities Exchange Act Release No. 34–24292 (April 2, 1987).

[2] *See* letter from Daniel T. Brooks, Cadwalander, Wickersham & Taft, Counsel for Instinet Corporation, to John Wheeler, Secretary, Securities and Exchange Commission, dated April 16, 1986.

[3] For purposes of this limitation, the standard of a security "quoted in the linkage and traded in both market centers" would be satisfied where an ADR is quoted on NASDAQ and the underlying stock is quoted through the Exchange's TOPIC or TOPICLINE service.

[4] These numbers are subject to change as additional NASDAQ market makers and Exchange dealers commence market making activity in the linked securities common to both marketplaces.

[5] Assuming Commission approval of this rule change, both the NASD and the Exchange would require a brief period to implement the technical changes necessary to limit access to linkage data in accord with the revised terms set forth in this filing.

[6] The TOPIC/TOPICLINE terminals that will henceforth be authorized to receive information without charge are not directly comparable to NASDAQ Level 3 terminals. The Exchange dealers utilize the TOPIC/TOPICLINE terminals to receive other dealers' quotes as well as to disseminate their quotes. The SEAQ terminal, which is also used by Exchange dealers, basically serves as an input terminal and does not display the information covered by the Pilot Program. Since no equivalent exists to the NASDAQ Level 3 terminal, the Exchange conducted a survey to identify the number of TOPIC/TOPICLINE terminals that the subject firms use in conjunction with their dealer function. In this regard, the Exchange specifically

Continued

The concept underlying this proposal is that NASDAQ market makers and Exchange dealers in the linked securities constitute two separate market centers that are being joined by technology. The restrictions set forth in this proposal are intended to achieve reasonable equivalence in the information exchanged between two distinct marketplaces. The fact that these two markets provide for market making activities through electronic terminals, instead of conventional trading floors, should not preclude exchanging equivalent data without the formality of offsetting charges. The NASD posits that the limited sharing of information among market makers proposed in this filing equates to the communication of bids and offers on a physical exchange floor. Such activity is not a service offered in competition with vendors and is fully distinguishable from their distribution of market information to subscribers.

The conduct of the Pilot Program is completely distinguishable from but compatible with the vendors distributing information to the securities industry. Vendors complement the various marketplaces by disseminating certain securities information outside individual markets to a broad range of recipients that include the retail sales forces of brokerage firms, investment advisory and research firms, institutional and individual investors. However, the ability of any vendor to distribute this information requires securities information of sufficient value and integrity to warrant collection and processing by the marketplace for dissemination to the world through a diverse network of information providers.

What distinguishes the marketplace from a vendor are its functions in regulating all practices within the market relative to the integrity of quotations and the excution and reporting of transactions, and the developing of systems and services that will make the marketplace more efficient and economical for participants. The Pilot Program as modified by this filing is clearly a marketplace function and not a vendor function. To conclude otherwise would ignore several fundamental facts. The respective NASD and Exchange markets will not be providing information on the linked securities, without charge, to subscribers generally. Rather, they will only permit the exchange of information among the dealer firms for essentially equivalent value received in the form of comparable quotations. Moreover, the NASDAQ market makers or Exchange dealers receiving information on the limited group of securities from abroad are in fact required to pay a substantially higher price than the subscriber of a vendor. In the case of the NASDAQ market maker, the price paid for receipt of information from the Exchange is the continuous entry of quotations in one or more of those securities with the attendant economic risk inherent in market making. However, that price does not include access to the many other TOPIC services (or NASDAQ, from the perspective of Exchange dealers) which are beyond the scope of the Pilot Program.[7] Access to that information can be obtained only through subscription to the applicable service and payment of the customary fee.

In conclusion, the Pilot Program was created for the purpose of linking two world marketplaces through the application of technology. The linkage constitutes an important first step toward the establishment of regulatory programs of mutual benefit, the expansion of trading opportunities both here and abroad, the provision of more efficient markets and economic incentives to direct orders in linked securities to the best available market. Assuming Commission approval of this filing for a two-year term, a number of additional enhancements will be actively considered for implementation including: two-way dissemination of last sale reports in selected securities; linkage of the respective small order processing systems; development of a composite display of market makers' quotes from both market centers; and development of an automated confirmation procedure that will yield locked-in trades to facilitate clearance and settlement. Moreover, both markets will formulate appropriate refinements in their automated surveillance capabilities. Thus, much remains to be done for the Pilot Program to achieve its major contributions to the internationalization of the securities markets. Absent Commission approval of this rule change proposal, the internationalization process will suffer a major setback.

* * * * *

The NASD submits that the statutory bases for this filing are found in sections 11A(a)(1)(B) and (C), 15A(b)(6), and 17A(a)(1)(B) and (C) of the Securities Exchange Act of 1934 (the "Act"). Subsections (B) and (C) of section 11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operations, the availablility of information with respect to quotations for securities and execution of investor orders in the best market through the use of new data processing and communication techniques. Section 15A(b)(6) requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing inforamtion with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market. . . ." Section 17A(a)(1) expresses the Congressional goal of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through the use of new data processing and communications techniques. The NASD believes that SEC approval of the amended Pilot Program for a two year term will further these ends by providing the cooperative regulatory environment and operating experience necessary to achieve these advances in the international marketplace.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD has consistently maintained that the operation of the Pilot Program was never intended to impose a burden on competition. To the contrary, the structure of the Pilot Program was fashioned to provide additional market making opportunities in the securities eligible for inclusion in the linkage. To date, only one party, Vendor, has objected to the operation of the Pilot Program based on competitive implications. Vendor's objection focuses upon a very narrow aspect of competition germane only to the information vendor community. Simply put, the concern is that vendors will be competitively disadvantaged if their subscribers can obtain the very limited market data information (approximately 300 issues from each partricipant) through the Pilot linkage without charge.

The NASD asserts that Vendor's arguments do not accurately reflect the nature and scope of the Pilot Program

requested that the firms tally the number of "screens" receiving TOPIC or TOPICLINE service, exclusive of those screens dedicated to research or retail usage. The figure of 1,400 terminals is a projection based upon responses received from approximately half the firms as of the date of this filing. Thus, if this proposal is approved, the remaining TOPIC/TOPICLINE terminals, estimated by the Exchange to be about 6,600 would no longer receive linkage data without charge.

[7] Presently, the universe of securities eligible for inclusion in the Pilot Program is approximately 600 issues, *i.e.*, about 300 from each respective market. In contrast, subscribers to the Association's National Quotation Data Service receive market makers' quotes in approximately 5,000 securities.

nor its benefits to the industry and investors as a whole. It is neither the NASD's intent nor in its best interest to function as a vendor of information abroad. Rather, the NASD believes that the interests of the NASDAQ marketplace are best served by the broadest possible dissemination of information and that independent vendors can provide that service.

Nonetheless, the NASD has proposed limitations on access to market data disseminated through the Pilot linkage to address the competitive concerns perceived by Vendor. Those limitations provide for access to linkage data without charge solely to those NASDAQ market makers and Exchange dealers who make markets in linked securities that are common to both market centers. These proposed access terms are intended to create a narrower market-to-market linkage. As such, equivalent information will be exchanged between markets (and market participants) and charges for the exchanged data would be essentially offset. Thus, NASD members of Exchange dealers whose market making does not stisfy the proposed criteria will be precluded from receiving data transmitted via the linkage absent subscription to and payment for the applicable service.

Moreover, the NASD believes that the proposed access terms may provide an incentive for firms to expand international market making activities in securities eligible to be quoted in the linkage. This result is consistent with the Commission's stated policy of facilitating international market linkages in furtherance of the Congressional findings respecting a national market system under section 11A(a)(1) of the Act. This expansion of market making acitivity has the potential to increase institutional investor interest in these securities and foster demand for market data in linkage securities, which data is distributed by vendors both here and abroad.

Based on the foregoing, that NASD reiterates that continued operation of the Pilot Program, as modified by this filing, will create no competitive burdens.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or,

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, are subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principle office of the NASD. All submissions should refer to file number SR–NASD—87–20 and be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87–9401 Filed 4–24–87; 8:45 am]

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[Release No. 34–24369; File No. SR–NYSE–87–13]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 13, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On March 13, 1987 the Exchange filed a proposed rule change to change the settlement pricing of expiring stock index options to the opening prices on expiration Friday. (*See* SR–NYSE–87–06 and 3/16/87 Letter to Sharon M. Lawson, Branch Chief, SEC, from Daniel P. Odell, Assistant Secretary, NYSE (collectively, the "Temporary Rule Filing") and Release No. 34–24276.) In particular, the Exchange modified the definition of "Current Index Group Value" in Rule 700(b)(17) to permit the Exchange to specify that the value upon exercise of options on the NYSE Composite Index and the NYSE Beta Index on expiration Friday is to be calculated from the opening prices for the constituent stocks on that day. The Exchange made conforming changes to the contract specifications for options on both indexes to make clear that trading ceases on the Thursday before expiration Friday.

The Temporary Rule Filing is effective only with respect to contracts expiring in June 1987. On April 3, 1987, the Exchange filed a proposed rule change to make permanent the rule changes proposed in the Temporary Rule Filing. (*See* SR–NYSE–11 (the "Permanent Filing").) Thereafter, it became evident that the publication, comment and approval procedures for the Permanent Filing would not be completed before the Exchange opens for trading its contracts expiring in July (the "July contracts"). Accordingly, the proposed rule change extends the Temporary Rule Filing to the July expiration date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose. The purpose of the proposed rule change is to ameliorate the impact of the concurrent expiration of index options and futures on the markets for individual stocks and on the stock market as a whole. The Exchange believes that settling index futures and options based upon the opening prices of the constituent stocks, and thereby permitting use of the Exchange's opening procedures in handling the accompanying stock volume, is the best strategy for addressing widely-held concerns about the actual and potential impact of the derivative products on the pricing mechanism and integrity of the stock market.

(b) Statutory Basis. The basis under the Act for the proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the 1934 Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

As noted in Item I, the Exchange's Temporary Rule Filing permits the Exchange to change the settlement pricing of expiring stock index options to the opening prices on expiration Friday only for contracts expiring in June 1987. The approval cycle for the Exchange's Permanent Rule Filing, which would lift the June "sunset", will not be completed before the Exchange opens its July contracts for trading. Accelerated approval of the proposed rule change will permit the Exchange to open its July contracts on a timely basis and subject to expiration valuation based upon the opening prices of the underlying stocks. This will maintain the continuity and order of the Exchange's marketplace.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule change will enable the Exchange to implement procedures to base settlement of index futures and options on opening stock prices for the July 17, 1987, expiration Firday. The Exchange believes that index settlement based on the opening prices of constituent stocks, utilizing the Exchange's opening procedures, may best address the actual and potential impact of index expirations.

On certain occasions during the past two years, the concurrent expiration of index futures and options has been accompanied by significant price volatility. This volatility appears to have resulted in part from the liquidation of securities held as part of index arbitrages. Many market professionals have chosen to liquidate these positions at the close of trading in order to receive an execution price that will be consistent with the closing value of the index used in the cash settlement of index futures and options positions.[1]

The Commission believes that the NYSE's proposal, incorporating the use of quote indications (*e.g.*, opening procedures) to attract order flow to offset stock order imbalances related to index expirations, may help to ameliorate the price effects of index expirations. Moreover, the ability to disseminate a second quote indication where an influx of orders has substantially shifted any existing order imbalance increases the accuracy and usefulness of the information. Therefore, the dissemination of price information in the component stocks of indexes at the opening, along with notice of order imbalances, should provide investors with a more accurate picture of the market in the affected stocks.

The Commission believes that adequate steps are being taken to inform investors of the pending change. The Options Clearing Corporation ("OCC") recently had approved by the Commission a supplement to the Options Disclosure Document that would amend its disclosure of settlement procedures for index products, thereby notifying investors of the change in procedures. In addition, OCC has effected a rule change to its By-Laws to permit options exchanges to provide by rule that the settlement value of any index on which options are traded on a particular exchange will be determined by reference to the prices of the constituent stocks at times other than the close of trading. Moreover, the Commission expects that the NYSE and broker-dealers will take steps to fully inform investors of these changes.

It should be noted, however, that not all index products will settle based on opening prices at the June expiration. Currently no other options exchange has changed an index option contract to an opening price settlement. In contrast, the Commodity Futures Trading Commission ("CFTC") recently approved a proposal by the Chicago Mercantile Exchange to switch its Standard and Poors 500 Index future contract to an opening price settlement in June.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the Exchange's need to open July contracts for trading on a timely basis, subject to expiration valuation based upon the opening prices of the underlying stocks. These contracts will be open prior to the expiration of the notice and comment period to which the Exchange's filing for permanent approval is subject. Moreover, the Commission believes that acceleration is appropriate because it will preclude the need to change the settlement time on the July series of NYSE index options when they are outstanding. Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the

[1] The liquidation of index arbitrage positions has resulted in increased volatility at expirations [*See* H. Stoll & R. Whaley, *Expiration Day Effects of Index Options and Futures* (March 15, 1986)]. Consequently, the Commission, in conjunction with the NYSE, has implemented early order-entry and exposure experiments on the last three expirations (September and December 1986, and March 1987). Reduced volatility at these recent expirations may partially be attributed to these procedures.

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-9448 Filed 4-24-87 8:45 am]

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[Release No. 34-24370; File No. SR-PHLX-87-13]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Approval to Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1987, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., ("PHLX" or "Exchange"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), proposes to amend Exchange Rule 1000A(b)(8), by adding this Commentary thereto, as follows (new material is underlined):

. . . *Commentary .01 to Rule 1000A(b)(8)*

For any series of index options first opened after March 30, 1987, the Exchange may, in its discretion, provide that the calculation of the final index settlement value of any index on which options are traded at the Exchange will be determined by reference to the prices of the constituent stocks at a time other than the close of trading on the last trading day before expiration.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

This rule change is designed to coincide with a rule change and Options Disclosure Document revision of the Options Clearing Corporation ("OCC").[1] The OCC has prepared changes to accommodate morning settlement of options on indices for those securities exchanges that have determined to alter the time at which the final index settlement value is calculated for expiring options.

The Exchange proposes this rule change to put its members and the public on notice that it may in the future alter the time at which the prices of constituent stocks would be reviewed for the purpose of calculating the final index settlement value for expiring index options. The proposal would give the Exchange the flexibility to move the calculation of the final index value for any series of options opened after March 30, 1987 from the close on the last trading day before expiration to the opening on such day. The Exchange understands that the OCC is concerned about the potential liability exposure of changing the terms of outstanding index options contracts and has therefore determined that it will only allow index options series not yet issued to provide for a morning rather than a closing settlement valuation time. However, the OCC rule is not automatic, and it would only be effective for index options contracts for which the relevant exchange has changed the settlement valuation time.

In this context, the Exchange seeks the option of moving its settlement valuation time from the close to the opening on the pertinent expiration day for any index option series first opened after March 30, 1987. This proposal would not require the Exchange to change the index option settlement terms for any index options contract at this time. But it would permit the Exchange to observe overall industry developments in this area and make a change to a morning settlement at some point in the future if the Exchange chose to do so. The Exchange also has notified the Commission that prior to altering the settlement time of any particular index contracts, it will file such proposal with the Commission pursuant to section 19(b) so that adequate notice of the alteration may be effectuated.[2]

The Exchange believes the proposal is consistent with section 6 of the Act, in particular section 6(b)(5). PHLX, like the other securities exchanges and the Commission, has spent considerable time studying the impact of index contract trading on the securities markets, particularly at expiration. By permitting the Exchange to continue to study the potential benefits of altering the time for calculating the final index settlement value of expiring options, the proposed rule change should promote fair and orderly markets and otherwise foster the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act based on the Commission's recent approval of the rule change filed by the OCC regarding the settlement value of an index option. The PHLX intends to open the October series in its Value Line Index option on

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[1] *See* Securities Exchange Act Release No. 24277, March 27, 1987.

[2] Conversation between Richard T. Chase, Executive Vice President, Philadelphia Stock Exchange, Inc., and Howard L. Kramer, Assistant Director, Division of Market Regulation, on April 16, 1987.

April 20, 1987, and would like to have the authority to change settlement terms of this contract before the new series is introduced.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder. The proposed rule change will enable the Exchange to implement procedures to base settlement of its index option products after April 20, 1987.

The Commission believes that adequate steps are being taken to inform investors of the pending change. The OCC recently has filed with the Commission a supplement to the Options Disclosure Document that would amend its disclosure of settlement procedures for index products, therby notifying investors of the change in procedures. In addition, OCC has filed a rule change to its By-Laws to permit options exchanges to provide by rule that the settlement value of any index on which options are traded on a particular exchange will be determined by reference to the prices of the constituent stocks at times other than the close of trading. Moreover, the PHLX has assured the Commission that it will file with the Commission any specific proposals to permanently change the settlement procedures of any particular index product so that formal notice may be afforded to investors.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because of the PHLX's desire to notify members before it introduces new index options series that it may, in the future, alter the settlement procedures for index options traded on the Exchange.[3] Accordingly, the proposed rule change is hereby approved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 18, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 17, 1987.

Shirley E. Hollis,

Assistant Secretary.

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BILLING CODE 8010-01-M

[3] The PHLX desires to enact the proposed rule change for its marketplace to ensure that it has the maximum flexibility to deal with future developments. The Commission, however, notes that OCC already has amended its rules and that broker-dealers have informed their customers of the possibility of such changed contract terms. Accordingly, the Commission does not believe that other markets would necessarily be required to make such conforming rule changes, apart from those rule changes necessary to amend the settlement times specified for options traded on their markets.

[Release No. IC-15692; 812-6387]

Santa Barbara Funding II, Inc.; Issuance of Variable and Floating Rate Mortgage-Backed Securities

April 17, 1987.

AGENCY: Notice of Application to Amend an Existing Order under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Santa Barbara Funding II, Inc.

Relevant 1940 Act Section: Order under section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicant seeks to amend an existing order exempting it from all provisions of the 1940 Act in connection with its proposed issuance of variable and floating rate mortgage-backed securities.

Filing Date: The application was filed on May 15, 1986, and amended on June 5, 1986. An order was issued on the application on July 14, 1986 (Investment Company Release No. 15201). On April 14, 1987, Applicant filed an amendment to the application.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on May 11, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve Applicant with the request, personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificates. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Santa Barbara Funding II, Inc. 3908 State Street, Santa Barbara, California 93105.

FOR FURTHER INFORMATION CONTACT: Sherry A. Hutchins, Staff Attorney at (202) 272-2799 or Brion R. Thompson, Special Counsel at (202) 272-3016, Division of Investment Management, Office of Investment Company Regulation.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300)).

Applicant's Representations

1. Applicant is a Delaware corporation and a wholly-owned, limited purpose finance subsidiary of Santa Barbara Savings and Loan Association, a California chartered savings and loan association. Applicant states that the SEC issued an order (Investment Company Act Release No. 15201, July 14, 1986) ("Existing Order") which pursuant to certain terms and conditions permits Applicant to issue one or more series of fixed rate bonds ("Bonds") secured primarily by mortgages that are first liens on single (one-to-four) family residences ("mortgages"), mortgage pass-through certificates ("GNMA Certificates"), which are fully guaranteed as to principal and interest by the Government National Mortgage Association, Mortgage Participation Certificates ("FHLMC Certificates") issued and guaranteed by the Federal Home Loan Mortgage Corporation and/or Guaranteed Mortgage Pass-Through Certificates ("FNMA Certificates") issued and guaranteed by the Federal National Mortgage Association. ("Federal Certificates" means GNMA Certificates, FHLMC Certificates and/or FNMA Certificates). Applicant also states that Federal Certificates included in the mortgage collateral pledged to secure the Bonds may or may not

represent the entire beneficial interest in the related mortgage pools.

2. Applicant seeks to amend the Existing Order to permit it to issue one or more series of variable and floating interest rate Bonds secured in whole or in part by mortgages, Federal Certificates and mortgage pass-through certificates which are neither issued nor are guaranteed by any agency of instrumentality of the United States and which evidence undivided interests in pools of mortgages that are first liens on single (one-to-four) family residences ("Private Certificates").

3. Each series of Bonds may contain one or more classes of variable or floating interest rate Bonds which will have a fixed maximum rate of interest ("interest rate cap") that will be payable on the Bonds. Any series of Bonds containing one or more classes of variable or floating interest rate Bonds will be structured with reference to the interest rate caps for that particular series to insure that the cash flow scheduled to be received by the Trustee from the mortgages, Federal Certificates and Private Certificates, plus reinvestment income thereon, and funds, if any, pledged to secure the Bonds will be sufficient to make all payments of principal of and interest on the Bonds, even if the interest rate on any class of variable or floating interest rate Bonds of such series climbed to the interest rate cap in the first interest period and remained constant throughout the life of the Bonds. See the application, for a complete discussion of such variable and floating interest rate Bonds.

4. Applicant asserts that the exemptive relief sought is both consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. Applicant further asserts that its activities will facilitate the financing of mortgage loans to expand the availability of residential mortgages, a critical national need.

Applicant's Conditions

Applicant agrees that its future offerings of Bonds will be limited to offerings meeting the conditions set forth below:

1. Each series of Bonds will be registered under the Securities Act of 1933 ("Securities Act"), unless offered in a transaction exempt from registration pursuant to section 4(2) of the Securities Act.

2. The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. However, the mortgage collateral underlying the Bonds will be limited to mortgages, Federal Certificates and Private Certificates.

3. If new mortgage collateral is substituted, the substitute collateral must: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6) hereof. In addition, new mortgage collateral may not be substituted for more than 20% of the aggregate face amount of the mortgages initially pledged as mortgage collateral or for more than 40% of the aggregate face amount of the Federal Certificates initially pledged as mortgage collateral. New mortgages may be substituted for mortgages initially pledged as mortgage collateral only in the event of default, late payments or defect in the collateral being replaced. New Private Certificates may be substituted for Private Certificates initially pledged as mortgage collateral only in the event of default, late payments or defect in the collateral being placed. In no event will any new mortgage collateral be substituted for any substitute mortgage collateral.

4. All mortgage collateral, funds, accounts or other collateral securing a series of Bonds ("Bond Collateral") will be held by the Trustee or on behalf of the Trustee by an independent custodian (the "Custodian"). The Custodian may not be an affiliate (as the term "affiliate" is defined in Securities Act Rule 405, 17 CFR 230.405) of Applicant, or of the master servicer or originating lender of any mortgages that are pledged as mortgage collateral. If there is no master servicer, no servicer of those mortgages may be an affiliate of the Custodian. The Trustee will be provided with a first priority perfected security or lien interest in and to all Bond Collateral.

5. Each series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with Applicant. The Bonds will not be considered redeemable securities within the meaning of section 2(a)(32) of the 1940 Act.

6. The master servicer of any mortgages (including any mortgages underlying Private Certificates) that are pledged as mortgage collateral may not be an affiliate of the Trustee. If there is no master servicer, no servicer of those mortgages may be an affiliate of the Trustee. Any master servicer and servicer of such mortgages will be approved by the "FNMA" or "FHLMC" as an eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of mortgages shall obligate the servicer to provide substantially the same services with respect to those mortgages as it is then currently required to provide in connection with the servicing of mortgage loans insured by FHA, guaranteed by the VA or eligible for purchase by FNMA or FHLMC.

7. No less often than annually, an independent public accountant will audit the books and records of Applicant and, in addition, will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Trustee.

8. The above representations regarding the variable or floating interest rate Bonds will be express conditions to the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-9394 Filed 4-24-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2274; Amdt. #1]

Maine; Declaration of Disaster Loan Area

The above-numbered Declaration (52 FR 12278 is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated April 10, 1987, to include York County in the State of Maine because of damage from severe storms and flooding beginning on or about March 30, 1987. All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on June 8, 1987, and for economic injury until the close of business on January 11, 1988.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 14, 1987.

Alfred E. Judd,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-9428 Filed 4-24-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2276]

New Hampshire; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on April 16, 1987, I find that Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford and Sullivan Counties in the State of New Hampshire constitute a disaster loan area because of severe storms and flooding occurring on or about March 30, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on June 15, 1987, and for economic injury until the close of business on January 18, 1988, at:

Disaster Area 1 Office, Small Business Administration, 15–01 Broadway, Fair Lawn, New Jersey 07410

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Business with credit available elsewhere	7.500
Business without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (Non-profit organizations including charitable and religious organizations)	9.500

The number assigned to this disaster is 227606 for physical damage and for economic injury the number is 652200.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–9429 Filed 4–24–87; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 10 a.m. on Wednesday, May 20, 1987, at the Atkinson School of Administration, Willamette University, Salem, Oregon, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John L. Gilman, District Director, U.S. Small Business Administration, 1220 SW. Third Avenue, Room 676, Portland, Oregon 97204–2882 - (503) 294–5221.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 20, 1987.

[FR Doc. 87–9430 Filed 4–24–87; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:00 a.m., Wednesday, May 27, 1987, at Room G–51, Federal Building, Carlos Chardón Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of the Small Business Administration of others attending.

For further information, write or call Wilfred Benítez Robles, District Director, Small Business Administration, Federal Building, Room 691, Carlos Chardón Avenue, Hato Rey, Puerto Rico 00918 - (809) 753–4002.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 20, 1987.

[FR Doc. 87–9431 Filed 4–24–87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Traffic Alert and Collision Avoidance System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert and Collision Avoidance System to be held on May 19–21, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of Minutes of the Twenty-First Meeting held on January 7–9, 1987; (3) Status Report on FAA TCAS Program Activities; (4) Status Reports on Phase II and III TCAS In Service Evaluations; (5) Working Group Activity Reports; (6) Discussion on Future Committee Plans and Work Programs; (7) Date and Place of Next Meeting; (8) Working Group Meet in Separate Sessions; (9) Summary of Working Group Deliberations; (10) Closing Discussions; and (11) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member fo the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 20, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87–9387 Filed 4–24–87; 8:45 am]

BILLING CODE 4910-13-M

Urban Mass Transportation Administration

UMTA Revised Fiscal Year 1987; Section 9 Operating Assistance Limitations and Apportionment of Fiscal Year 1987 Section 16(B)(2) Funds

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

SUMMARY: The Federal Mass Transportation Act of 1987, enacted April 2, 1987, affected certain section 9 operating assistance limitations and the apportionment of section 16(b)(2) funds. The Act states that the operating assistance limitation for a new urbanized area is two-thirds of its first section 9 apportionment. In conformance with the new Act, the Fiscal Year 1987 operating assistance limitations for State Governors for use in urbanized areas below 200,000 in population have been determined, and this Notice provides the revised operating assistance limitations. In addition, this Notice contains the apportionment of Fiscal Year 1987 section 16(b)(2) funds to the States.

FOR FURTHER INFORMATION CONTACT: Edward R. Fleischman, Chief, Resource Management Division, (202) 366–2053, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Federal Mass Transportation Act of 1987, enacted April 2, 1987, affects certain of the section 9 operating assistance limitations and the apportionment of section 16(b)(2) funds.

Revised Section 9 Operating Assistance Limitations

The Federal Mass Transportation Act of 1987 revises certain of the section 9 formula program operating assistance limitations. The revision states that for this fiscal year an urbanized area that first became an urbanized area under the 1980 census or thereafter may use for operating assistance an amount not to exceed two-thirds of its section 9 apportionment. Previously, the operating assistance limitation was 40 percent of its apportionment. Therefore, this Notice provides revised operating assistance limitation tables which reflect this change in Fiscal Year 1987 for the State Governor to use in urbanized areas under 200,000 in population within each State. One limitation for operating assistance is provided to the State Governor. However, for technical assistance purposes, this Notice also contains the limitation attributable to the data for each urbanized area within the State.

The operating assistance limitations for urbanized areas over 200,000 in population were not affected by the new law and are still available as listed in the **Federal Register** Notice of December 10, 1986 (51 FR 44546).

Section 16(b)(2) Elderly and Handicapped Program

The Federal Mass Transportation Act of 1987 provides authorizations for the section 16(b)(2) elderly and handicapped program. Therefore, the apportionment of section 16(b)(2) funds to the States is contained in this Notice. A total of $35,089,520 is apportioned under this capital assistance program for transportation of the elderly and handicapped. Of this total, $35,000,000 is the Fiscal Year 1987 appropriation and $89,520 is prior year reapportioned funds.

Funding for the section 16(b)(2) program had not been available prior to this time. However, preliminary allocation figures had been made available, and States had been encouraged to continue with their program planning and development in anticipation of funds availability later. Funds apportioned to States under section 16(b)(2) in this Notice must be obligated by September 30, 1987.

Application for section 16(b)(2) funds should be submitted to the appropriate UMTA Regional Office in conformance with Circular 9070.1A, published May 14, 1985.

Issued on: April 22, 1987.

Ralph L. Stanley,

Administrator.

BILLING CODE 4910-57-M

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS
STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION

STATE/URBANIZED AREA	LIMITATION
ALABAMA:	
State limitation for areas 50,000 to 200,000 in population	$ ***3,394,135***
Anniston	285,625
Auburn-Opelika	202,600
Decatur	238,237
Dothan	208,355
Florence	289,345
Gadsden	286,951
Huntsville	621,759
Montgomery	830,093
Tuscaloosa	431,170
ALASKA:	
State limitation for areas 50,000 to 200,000 in population	***623,089***
Anchorage	623,089
ARIZONA:	
State limitation for areas 50,000 to 200,000 in population	***323,490***
Yuma, Ariz.-Calif.	323,490
ARKANSAS:	
State limitation for areas 50,000 to 200,00 in population	***1,039,215***
Fayetteville-Springdale	263,124
Fort Smith, Ark.-Okla.	338,902
Pine Bluff	331,742
Texarkana, Tex.-Ark.	105,447
CALIFORNIA:	
State limitation for areas 50,000 to 200,000 in population	***9,290,622***
Antioch-Pittsburg	425,564
Chico	289,311
Fairfield	399,617
Hemet	305,878
Lancaster	253,891
Merced	293,951
Modesto	802,892
Napa	416,899
Palm Springs	282,419
Redding	233,897
Salinas	521,053
Santa Barbara	862,024
Santa Cruz	463,819
Santa Maria	354,825
Santa Rosa	552,911
Seaside-Monterey	642,568
Simi Valley	377,289
Stockton	1,087,040
Visalia	352,525
Yuba City	369,804
Yuma, Ariz.-Calif.	2,445

STATE/URBANIZED AREA	LIMITATION
COLORADO:	
State limitation for areas 50,000 to 200,000 in population	$ ***2,308,851***
Boulder	507,899
Fort Collins	460,445
Grand Junction	296,201
Greeley	443,317
Pueblo	600,989
CONNECTICUT:	
State limitation for areas 50,000 to 200,000 in population	***5,963,730***
Bristol	366,656
Danbury, Conn.-N.Y.	606,145
Meriden	369,637
New Britain	770,896
New London-Norwich	657,408
Norwalk	832,893
Stamford	1,251,254
Waterbury	1,108,841
DELAWARE:	
FLORIDA:	
State limitation for areas 50,000 to 200,000 in population	***4,350,702***
Daytona Beach	634,056
Fort Myers	461,875
Fort Pierce	320,755
Fort Walton Beach	403,890
Gainesville	433,210
Lakeland	425,447
Naples	229,557
Ocala	229,927
Panama City	367,307
Tallahassee	484,939
Winter Haven	359,739
GEORGIA:	
State limitation for areas 50,000 to 200,000 in population	***2,741,514***
Albany	389,234
Athens	308,623
Macon	668,318
Rome	233,943
Savannah	849,439
Warner Robins	291,957
HAWAII:	
State limitation for areas 50,000 to 200,000 in population	***743,763***
Kailua-Kaneohe	743,763

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(Continued)

STATE/URBANIZED AREA	LIMITATION
IDAHO:	
State limitation for areas 50,000 to 200,000 in population	***$ 880,108***
Boise City	578,559
Pocatello	301,549
ILLINOIS:	
State limitation for areas 50,000 to 200,000 in population	***6,897,481***
Alton	458,990
Aurora	890,763
Beloit, Wis.-Ill.	39,853
Bloomington-Normal	471,130
Champaign-Urbana	759,387
Danville	305,025
Decatur	550,098
Dubuque, Iowa-Ill.	10,792
Elgin	784,048
Joliet	1,174,090
Kankakee	410,441
Round Lake Beach	327,723
Springfield	715,141
INDIANA:	
State limitation for areas 50,000 to 200,000 in population	***4,219,932***
Anderson	373,417
Bloomington	618,607
Elkhart-Goshen	450,936
Evansville, Ind.-Ky.	876,875
Kokomo	414,341
Lafayette-West Lafayette	540,537
Muncie	536,316
Terre Haute	408,903
IOWA:	
State limitation for areas 50,000 to 200,000 in population	***2,257,704***
Cedar Rapids	668,045
Dubuque, Iowa-Ill.	372,692
Iowa City	324,021
Sioux City, Iowa-Nebr.-S.Dak.	383,641
Waterloo	509,305
KANSAS:	
State limitation for areas 50,000 to 200,000 in population	***1,007,921***
Lawrence	340,195
St. Joseph, Mo.-Kans.	4,761
Topeka	662,965

STATE/URBANIZED AREA	LIMITATION
KENTUCKY:	
State limitation for areas 50,000 to 200,000 in population	***$ 1,831,324***
Clarksville, Tenn.-Ky.	89,948
Evansville, Ind.-Ky.	55,474
Huntington-Ashland, W.Va.-Ky.-Ohio	268,960
Lexington-Fayette	1,048,786
Owensboro	368,156
LOUISIANA:	
State limitation for areas 50,000 to 200,000 in population	***2,224,526***
Alexandria	401,559
Houma	300,463
Lafayette	528,191
Lake Charles	509,723
Monroe	484,590
MAINE:	
State limitation for areas 50,000 to 200,000 in population	***1,056,193***
Bangor	238,763
Lewiston-Auburn	265,497
Portland	504,378
Portsmouth-Dover-Rochester, N.H.-Maine	47,555
MARYLAND:	
State limitation for areas 50,000 to 200,000 in population	***981,608***
Annapolis	357,359
Cumberland, Md.-W.Va.	281,823
Hagerstown, Md.-Pa.	342,426
MASSACHUSETTS:	
State limitation for areas 50,000 to 200,000 in population	***4,849,137***
Brockton	1,190,253
Fall River, Mass.-R.I.	774,419
Fitchburg-Leominster	326,996
Lowell, Mass.-N.H.	1,227,765
New Bedford	856,941
Pittsfield	261,009
Taunton	211,754
MICHIGAN:	
State limitation for areas 50,000 to 200,000 in population	***4,017,199***
Battle Creek	386,389
Bay City	423,421
Benton Harbor	330,146
Jackson	403,382
Kalamazoo	756,115
Muskegon-Muskegon Heights	510,595
Port Huron	341,138
Saginaw	866,013

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(*Continued*)

STATE/URBANIZED AREA	LIMITATION
MINNESOTA:	
State limitation for areas 50,000 to 200,000 in population	$ ***1,355,656***
Duluth-Superior, Minn.-Wis.	441,326
Fargo-Moorhead, N.Dak.-Minn.	187,524
Grand Forks, N.Dak.-Minn.	58,665
La Crosse, Wis.-Minn.	15,335
Rochester	353,593
St. Cloud	299,213
MISSISSIPPI:	
State limitation for areas 50,000 to 200,000 in population	***1,233,960***
Biloxi-Gulfport	679,855
Hattiesburg	259,555
Pascagoula-Moss Point	294,550
MISSOURI:	
State limitation for areas 50,000 to 200,000 in population	***1,536,566***
Columbia	273,919
Joplin	247,905
St. Joseph, Mo.-Kans.	383,772
Springfield	630,970
MONTANA:	
State limitation for areas 50,000 to 200,000 in population	***1,135,221***
Billings	409,826
Great Falls	399,468
Missoula	325,927
NEBRASKA:	
State limitation for areas 50,000 to 200,000 in population	***964,814***
Lincoln	919,882
Sioux City, Iowa-Nebr.-S.Dak.	44,932
NEVADA:	
State limitation for areas 50,000 to 200,000 in population	***682,521***
Reno	682,521
NEW HAMPSHIRE:	
State limitation for areas 50,000 to 200,000 in population	***1,223,606***
Lowell, Mass.-N.H.	1,399
Manchester	523,931
Nashua	333,381
Portsmouth-Dover-Rochester, N.H.-Maine	364,895
NEW JERSEY:	
State limitation for areas 50,000 to 200,000 in population	$ ***1,398,490***
Atlantic City	1,092,225
Vineland-Millville	306,265
NEW MEXICO:	
State limitation for areas 50,000 to 200,000 in population	***541,380***
Las Cruces	289,279
Santa Fe	252,101
NEW YORK:	
State limitation for areas 50,000 to 200,000 in population	***3,538,753***
Binghamton	928,315
Danbury, Conn.-N.Y.	5,202
Elmira	404,432
Glens Falls	255,569
Newburgh	318,031
Poughkeepsie	776,423
Utica-Rome	850,781
NORTH CAROLINA:	
State limitation for areas 50,000 to 200,000 in population	***5,298,867***
Asheville	386,290
Burlington	293,729
Concord	324,117
Durham	653,537
Gastonia	446,982
Goldsboro	254,760
Greensboro	845,288
Hickory	271,498
High Point	439,896
Jacksonville	320,437
Wilmington	320,018
Winston-Salem	742,315
NORTH DAKOTA:	
State limitation for areas 50,000 to 200,000 in population	***991,515***
Bismarck-Mandan	339,647
Fargo-Moorhead, N.Dak.-Minn.	351,399
Grand Forks, N.Dak.-Minn.	300,469
OHIO:	
State limitation for areas 50,000 to 200,000 in population	***3,181,567***
Hamilton	509,527
Huntington-Ashland, W.Va.-Ky.-Ohio	151,734

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(*Continued*)

STATE/URBANIZED AREA	*LIMITATION*
OHIO—*Continued*	
Lima	$ 365,384
Mansfield	365,809
Middletown	447,156
Newark	268,680
Parkersburg, W.Va.-Ohio	38,368
Sharon, Pa.-Ohio	32,816
Springfield	558,529
Steubenville-Weirton, Ohio-W.Va.-Pa.	239,056
Wheeling, W.Va.-Ohio	204,508
OKLAHOMA:	
State limitation for areas 50,000 to 200,000 in population	***718,978***
Enid	243,205
Fort Smith, Ark.-Okla.	8,193
Lawton	467,580
OREGON:	
State limitation for areas 50,000 to 200,000 in population	***1,820,986***
Eugene	893,448
Longview, Wash.-Oreg.	8,392
Medford	304,094
Salem	615,052
PENNSYLVANIA:	
State limitation for areas 50,000 to 200,000 in population	***6,386,790***
Altoona	502,411
Erie	1,144,137
Hagerstown, Md.-Pa.	6,599
Johnstown	538,309
Lancaster	748,201
Monessen	330,704
Reading	1,364,838
Sharon, Pa.-Ohio	288,118
State College	392,279
Steubenville-Weirton, Ohio-W.Va.-Pa.	839
Williamsport	342,055
York	728,300
PUERTO RICO:	
State limitation for areas 50,000 to 200,000 in population	***3,980,196***
Aguadilla	384,247
Arecibo	444,984
Caguas	758,158
Mayaguez	558,712
Ponce	1,300,370
Vega Baja-Manati	533,725
RHODE ISLAND:	
State limitation for areas 50,000 to 200,000 in population	***366,976***
Fall River, Mass.-R.I.	66,708
Newport	300,268

STATE/URBANIZED AREA	*LIMITATION*
SOUTH CAROLINA:	
State limitation for areas 50,000 to 200,000 in population	$ ***1,135,676***
Anderson	248,199
Florence	260,280
Rock Hill	233,203
Spartanburg	393,994
SOUTH DAKOTA:	
State limitation for areas 50,000 to 200,000 in population	***703,357***
Rapid City	277,911
Sioux City, Iowa-Nebr.-S.Dak.	5,195
Sioux Falls	420,251
TENNESSEE:	
State limitation for areas 50,000 to 200,000 in population	***1,248,343***
Bristol, Tenn.-Bristol, Va.	141,047
Clarksville, Tenn.-Ky.	205,943
Jackson	232,359
Johnson City	357,599
Kingsport, Tenn.-Va.	311,395
TEXAS:	
State limitation for areas 50,000 to 200,000 in population	***9,996,998***
Abilene	396,676
Amarillo	669,998
Beaumont	537,977
Brownsville	422,826
Bryan-College Station	306,343
Galveston	324,502
Harlingen-San Benito	263,167
Killeen	397,220
Laredo	541,845
Longview	321,809
Lubbock	781,526
McAllen-Pharr-Edinburg	670,355
Midland	318,342
Odessa	502,449
Port Arthur	514,933
San Angelo	331,446
Sherman-Denison	242,971
Temple	230,624
Texarkana, Tex.-Ark.	175,894
Texas City-La Marque	380,236
Tyler	335,282
Victoria	316,292
Waco	537,073
Wichita Falls	477,212

REVISED FISCAL YEAR 1987 UMTA SECTION 9 OPERATING ASSISTANCE LIMITATIONS STATE LIMITATION FOR AREAS 50,000 TO 200,000 IN POPULATION—(Continued)

STATE/URBANIZED AREA	LIMITATION
UTAH:	
State limitation for areas 50,000 to 200,000 in population	$ 659,776
Provo-Orem	659,776
VERMONT:	
State limitation for areas 50,000 to 200,000 in population	381,977
Burlington	381,977
VIRGINIA:	
State limitation for areas 50,000 to 200,000 in population	2,499,343
Bristol, Tenn.-Bristol, Va.	85,336
Charlottesville	403,580
Danville	285,137
Kingsport, Tenn.-Va.	19,219
Lynchburg	357,605
Petersburg-Colonial Heights	509,833
Roanoke	838,633
WASHINGTON:	
State limitation for areas 50,000 to 200,000 in population	2,037,476
Bellingham	278,282
Bremerton	342,106
Longview, Wash.-Oreg.	270,203
Olympia	344,325
Richland-Kennewick	404,957
Yakima	397,603
WEST VIRGINIA:	
State limitation for areas 50,000 to 200,000 in population	$ 2,230,757
Charleston	822,918
Cumberland, Md.-W.Va.	16,385
Huntington-Ashland, W.Va.-Ky.-Ohio	535,549
Parkersburg, W.Va.-Ohio	339,021
Steubenville-Weirton, Ohio-W.Va.-Pa.	158,174
Wheeling, W.Va.-Ohio	358,710
WISCONSIN:	
State limitation for areas 50,000 to 200,000 in population	5,181,461
Appleton	807,339
Beloit, Wis.-Ill.	243,249
Duluth-Superior, Minn.-Wis.	116,608
Eau Claire	371,817
Green Bay	623,292
Janesville	303,738
Kenosha	595,233
La Crosse, Wis.-Minn.	340,004
Oshkosh	347,904
Racine	765,670
Sheboygan	373,204
Wausau	293,403
WYOMING:	
State limitation for areas 50,000 to 200,000 in population	720,859
Casper	386,687
Cheyenne	334,172
TOTAL	$ 124,155,109

FISCAL YEAR 1987 UMTA SECTION 16(b)(2) APPORTIONMENTS AMOUNTS APPORTIONED TO STATES

STATE	APPORTIONMENT	STATE	APPORTIONMENT
ALABAMA	$ 627,078	MONTANA	$ 214,024
ALASKA	139,132	NEBRASKA	340,410
AMERICAN SAMOA	50,936	NEVADA	196,914
ARIZONA	461,194	NEW HAMPSHIRE	233,688
ARKANSAS	477,500	NEW JERSEY	1,064,216
CALIFORNIA	2,785,098	NEW MEXICO	253,646
COLORADO	393,182	NEW YORK	2,495,388
CONNECTICUT	512,632	NORTH CAROLINA	806,996
DELAWARE	189,646	NORTH DAKOTA	207,774
DISTRICT OF COLUMBIA	208,396	NORTHERN MARIANA ISLANDS	50,490
FLORIDA	1,925,110	OHIO	1,409,518
GEORGIA	716,876	OKLAHOMA	533,668
GUAM	127,958	OREGON	446,450
HAWAII	208,476	PENNSYLVANIA	1,771,556
IDAHO	224,784	PUERTO RICO	431,564
ILLINOIS	1,504,316	RHODE ISLAND	262,688
INDIANA	750,372	SOUTH CAROLINA	454,268
IOWA	531,104	SOUTH DAKOTA	219,654
KANSAS	445,534	TENNESSEE	714,306
KENTUCKY	595,256	TEXAS	1,637,280
LOUISIANA	584,110	UTAH	242,236
MAINE	275,710	VERMONT	187,356
MARYLAND	565,900	VIRGINIA	681,522
MASSACHUSETTS	912,978	VIRGIN ISLANDS	129,436
MICHIGAN	1,137,960	WASHINGTON	587,436
MINNESOTA	627,562	WEST VIRGINIA	387,566
MISSISSIPPI	453,548	WISCONSIN	714,092
MISSOURI	819,176	WYOMING	163,854
Total	$35,089,520		

[FR Doc. 87-9451 Filed 4-24-87; 8:45 am]

BILLING CODE 4910-57-C

UNITED STATES INFORMATION AGENCY

A Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116–0175, entitled "A Grants Program for Private, Not-For-Profit Organizations in Support of International Educational and Cultural Activities," announced in the **Federal Register** January 30, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Effective Drug Abuse Prevention Strategies: An Inter-American Exchange

The Office of Private Sector Programs will assist in supporting a three-week travel/study program that will bring ten high-level drug abuse prevention specialists from Latin America to the U.S. for a professional exchange with U.S. counterparts. The program, which may be conducted in Spanish or English (with interpretation), will focus on exploring and comparing techniques for the design, implementation, and evaluation of more effective narcotics demand reduction programs throughout the hemisphere. School-based programs will be emphasized. The program design should include seminars and workshops as well as on-site visits. Participants will be selected by USIA representatives in Mexico, Colombia, Peru, Bolivia, Panama and Ecuador.

Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project.

Emphasis during the preliminary consultative process will be on identifying organizations whose goals and objectives clearly complement or coincide with those of USIA. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining third-party private-sector funding in addition to USIA support. Organizations must also demonstrate a potential for designing programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations *must* postmark their general letter of interest within 20 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the financial assistance available: Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (Attn: Initiative Programs), United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: April 17, 1987.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 87–9369 Filed 4–24–87; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the form, and (9) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Elaina Norden, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: April 21, 1987.

By direction of the Administrator.

Jack J. Sharkey,

Director, Office of Information Systems and Telecommunications.

Extension

1. Department of Veterans Benefits.
2. Counseling Record—Personal Information.
3. VA Form 28–1902.
4. This information collection assists the VA counseling psychologist to quickly and effectively determine eligibility for services. It then serves as a guide to explore the client's counseling and program planning needs.
5. On occasion.
6. Individuals or households.
7. 60,000 responses.
8. 30,000 hours.
9. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Verification of Pursuit of Course Leading to a Standard College Degree.
3. VA Form 22–6553.
4. This form is used by schools to certify enrollment information previously submitted to the Veterans Administration and to report changes in a student's enrollment.
5. On occasion
6. State or local governments; Non-profit institutions; and Small businesses or organizations.
7. 325,680 responses.
8. 54,280 hours.
9. Not applicable.

[FR Doc. 87–9407 Filed 4–24–87; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 80
Monday, April 27, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

DATE AND TIME: Thursday, April 30, 1987, 10:00 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD

STATUS: Open to the Public

MATTERS TO BE CONSIDERED:

FY '89 Priority Projects: Public Hearing

The Commission will hold a public hearing on fiscal year 1989 priority projects.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

April 23, 1987.

[FR Doc. 87–9552 Filed 4–23–87; 3:34 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, April 30, 1987.

See Times Below*

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

*This meeting will begin immediately after the hearing on FY '89 Priority Projects, scheduled to begin at 10:00 a.m.

FOIA Fees Revisions: Proposed Amendments

The Commission will consider proposed amendments concerning fees to the Freedom of Information Act Regulations.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

April 23, 1987.

[FR Doc 87–9553 Filed 4–23–87; 3:34 pm]

BILLING CODE 6355–01–M

FEDERAL ENERGY REGULATORY COMMISSION

April 22, 1987.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

DATE AND TIME: April 29, 1987, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20424.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 855th Meeting—April 29, 1987, Regular Meeting (10:00 a.m.)

CAP–1.
Project No. 4182–009, Shorock Hydro, Inc.
CAP–2.
Project No. 2827–003, City of Redding, California
CAP–3.
Project No. 10341–001, Gem Irrigation District
CAP–4.
Project No. 8654–003, Noah Corporation
CAP–5.
Project No. 3195–022, Joseph M. Keating
CAP–6.
Project No. 8924–001, Northeast Hydrodevelopment Corporation
CAP–7.
Project No. 9412–003, Calaveras Public Utility District and Middle Fork Ditch Hydro Partners
CAP–8.
Docket No. UL87–9–001, Fairfax County Water Authority
CAP–9.
Project No. 9095–003, Northwestern Pacific Power Company
CAP–10.
Project No. 3295–009, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District
CAP–11.
Omitted
CAP–12.
Docket No. EL86–23–001, Northern California Power Agency
CAP–13.
Docket No. EL87–29–000, Maine Yankee Atomic Power Company Docket No. EL87–12–000, Connecticut Division of Consumer Counsel v. Connecticut Yankee Atomic Power Company, Yankee Atomic Electric Company, Maine Yankee Atomic Power Company and Vermont Yankee Nuclear Power Corporation
CAP–14.
Docket No. EL87–30–000, Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company and Holyoke Power and Electric Company
CAP–15.
Omitted
CAP–16.
Docket Nos. ER86–372–006 and ER85–400–010, Virginia Electric and Power Company
CAP–17.
Docket No. ER80–567–006, Wisconsin Electric Power Company
CAP–18.
Docket No. RE81–56–003, Oglethorpe Power Corporation, *et al.*

Consent Miscellaneous Agenda

CAM–1.
Docket No. FA85–8–000, Public Service Company of New Hampshire
CAM–2.
Docket Nos. RM83–41–001, 002, 003 and 004, Rules of Discovery for Trial-Type Proceedings
CAM–3.
Docket No. RM79–76–174 (Colorado–33), High-Cost Gas Produced from Tight Formations
CAM–4.
Docket No. RM79–76–175 (Colorado–34), High-Cost Gas Produced from Tight Formations
CAM–5.
Docket No. GP85–47–000, Samedan Oil Corporation
CAM–6.
Docket No. GP87–39–000, North Dakota Industrial Commission, Section 102 NGPA Determination, Hunt Energy Corporation, (formerly Prosper Energy Corporation), Pederson #1, Sec. 20, T158N, R95W Williams County, N.D., FERC JD 82–4052
CAM–7.
Docket No. GP86–42–000, Mitchell Energy Corporation, F. E. Evans #1, TX Docket No. F–02–078298, FERC No. JD84–36308
CAM–8.
Docket No. GP85–20–002, Colorado Interstate Gas Company v. MIGC, Inc.

Consent Gas Agenda

CAG–1.
Docket No. RP87–52–000, United Gas Pipe Line Company
CAG–2.
Docket Nos. RP87–53–000 and TA87–2–7–000, Southern Natural Gas Company
CAG–3.
Omitted
CAG–4.
Docket Nos. TA87–2–15–000, 001, 002, Mid Louisiana Gas Company
CAG–5.
Docket Nos. TA87–3–48–000 and 001 (PGA87–2 and IRP87–2), ANR Pipeline Company
CAG–6.
Docket Nos. RP86–99–002, TA87–3–4–000 and 001 (PGA87–3), Granite State Gas Transmission, Inc.
CAG–7.
Docket Nos. TA87–5–51–000, 001, TA86–6–51–000 and TA87–1–51–000, Great Lakes Gas Transmission Company
CAG–8.
Docket Nos. TA87–4–46–000, 001 and TA87–1–46–000 (PGA87–3 and IPR87–2), Kentucky West Virginia Gas Company
CAG–9.
Docket No. RP87–7–008, Transcontinental Gas Pipe Line Corporation
CAG–10.
Docket No. RP84–76–005, Alabama-Tennessee Natural Gas Company
CAG–11.
Docket Nos. RP86–39–001 and RP87–33–004, Williams Natural Gas Company
CAG–12.
Docket No. RP86–45–017, El Paso Natural Gas Company
CAG–13.
Docket Nos. TA87–4–51–002 and 003, Great Lakes Gas Transmission Company
CAG–14.
Docket No. TA87–4–21–003, Columbia Gas Transmission Corporation
CAG–15.
Docket No. RP86–93–003, United Gas Pipe Line Company
CAG–16.
Docket No. TA87–1–52–002, Western Gas Interstate Company
CAG–17.
Docket Nos. RP86–30–000 and 001, Alabama-Tennessee Natural Gas Company
CAG–18.
Docket No. RP83–128–001, Pacific Interstate Transmission Company
CAG–19.
Docket No. RP86–35–005, Great Lakes Gas Transmission Company
CAG–20.
Docket No. RP85–210–002, Ringwood Gathering Company
CAG–21.
Docket No. IS87–4–001, Four Corners Pipe Line Company
CAG–22.
Omitted
CAG–23.
Omitted
CAG–24.
Docket Nos. CI86–278–001 and CI86–296–001, Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company
CAG–25.
Docket Nos. CI86–637–001, 002, 003 and CI86–638–000, ANR Pipeline Company
Docket Nos. CI86–641–001 and CI86–642–000, Northwest Pipeline Corporation and Northwest Marketing Company
Docket Nos. CI86–370–001 and CI86–373–001, Texas Gas Transmission Corporation
Docket Nos. CI86–378–000 and CI86–397–000, Arkla, Inc. (Exploration and Production Division) and Arkla Energy Marketing Company
Docket Nos. CI86–375–000 and CI86–408–000, Trunkline Gas Company
Docket Nos. CI86–447–000 and CI86–450–000, United Gas Pipeline Company
Docket Nos. CI86–451–000 and CI86–504–000, Natural Gas Pipeline Company of America
Docket Nos. CI86–510–000 and CI86–513–000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
Docket Nos. CI86–737–001 and CI86–738–001, Arkla Energy Resources
CAG–26.
Docket No. CP86–124–003, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–27.
Docket Nos. CP76–492–041 through 044, CP85–282–002 through 004 and CP85–845–006 through 009, Penn-York Energy Corporation and National Fuel Gas Supply Corporation
CAG–28.
Docket No. CP84–252–001, Trans-Appalachian Pipeline, Inc.
CAG–29.
Docket No. CP87–8–001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–30.
Docket No. CP86–701–001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–31.
Docket No. CP86–686–003, Southern Natural Gas Company
CAG–32.
Docket Nos. CP79–444–003 and CP81–474–003, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–33.
Docket No. CP86–693–000, Washington Gas Light Company
CAG–34.
Docket Nos. CP86–225–000 and CP86–247–000, Texas Eastern Transmission Corporation
CAG–35.
Docket No. CP80–499–008, Northwest Central Pipeline Corporation
Docket No. CP86–503–000, Natural Gas Pipeline Company of America
CAG–36.
Docket No. CP70–7–032, Southern Natural Gas Company
CAG–37.
Docket No. CP86–700–000, Columbia Gas Transmission Corporation
CAG–38.
Docket No. CP87–1–000, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG–39.
Docket No. CP86–704–001, Florida Gas Transmission Company
CAG–40.
Docket Nos. CP86–531–001 and 003, Texas Gas Transmission Corporation

I. Licensed Project Matters

P–1.
Project No. 4632–001, Clifton Power Corporation. Request for rehearing of order issuing a license pursuant to Section 4(e) of the Federal Power Act.
P–2.
Project No. 4922–000, Arizona Power Authority and the Colorado River Commission of Nevada. Application for a preliminary permit for a project to be located at the Bureau of Reclamation's Hoover Dam.
P–3.
Project No. 7163–001, Lynchburg Hydro Partners. Application for a license.

II. Electric Rate Matters

ER–1.
Docket No. ER85–468–004, Southwestern Electric Power Company. Order on remand addressing whether the filing is an initial rate schedule or a changed rate schedule.
ER–2.
Omitted
ER–3.
Docket Nos. ER82–553–000 and ER82–554–000, Ohio Power Company. Opinion on initial decision determining the appropriate price of coal when it is purchased from a corporate affiliate.
ER–4.
Docket Nos. EF85–2011–007, 008, 009, EF85–2021–007, 008 and 009, United States Department of Energy—Bonneville Power Administration. Order on rehearing concerning rates filed under Section 7(k) of the Northwest Power Planning and Conservation Act.

Miscellaneous Agenda

M–1.
Docket No. RM86–2–000, Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges. Final Rule.
M–2.
Reserved
M–3.
Reserved
M–4.
Docket No. RM87–15–000, Regulations Implementing The National Environmental Policy Act of 1969. Notice of proposed rulemaking.

I. Pipeline Rate Matters

RP–1.
Docket Nos. CP86–526–000 and RP86–158–000, United Gas Pipe Line Company. Order on contested offer of settlement concerning Order No. 436 open access transportation proposal.
RP–2.
Docket No. CP86–578–000, Northwest Pipeline Corporation. Order on contested

offer of settlement concerning Order No. 436 issues and take-or-pay issue.

RP-3.

(A) Docket Nos. TA85-3-29-009, TA86-1-29-006, TA85-1-29-006, TA86-5-29-007, RP83-137-025 and CP85-190-003, Transcontinental Gas Pipe Line Corporation. Opinion on initial decision concerning transition costs.

(B) Docket Nos. TA87-4-29-000, 001, TA85-1-29-011, TA85-3-29-027, TA86-1-29-009, TA86-5-29-010, TA87-1-29-004 and TA87-4-29-002, Transcontinental Gas Pipe Line Corporation. Order on semi-annual PGA adjustment and related settlement offer.

(C) Docket Nos. TA85-3-29-013 through 015, 017 through 019, 021 through 024, 026 and CP86-405-000, Transcontinental Gas Pipe Line Corporation. Order on rehearing concerning Order No. 436 settlement.

RP-4.

Docket Nos. RP8-116-000, 002, 004, 006 and CP86-585-000, Panhandle Eastern Pipe Line Company. Order No. 436 blanket certificate application and rate schedule.

RP-5.

Docket Nos. RP86-115-000, 001, 002, 004 and CP86-586-000, Trunkline Gas Company. Order No. 436 blanket certificate application and related rate schedule.

RP-6.

Docket No. CP86-521-000, Texas Gas Transmission Corporation. Order No. 436 blanket certificate application and related rate schedule.

RP-7.

Docket No. RM87-16-000, Abandonment of Sales and Purchases of Natural Gas under Expired or Temporarily Suspended Contracts. Notice of proposed rulemaking.

RP-8.

Docket No. CP84-348-004, Mississippi River Transmission Corporation.

Docket No. CP84-183-003, Transcontinental Gas Pipe Line Corporation.

Docket No. CI86-307-000, Sea Robin Pipeline Company.

Order on court remand and on application concerning abandonment of purchases.

RP-9.

Docket No. CI86-138-001, Chevron U.S.A. Inc.

Docket No. CI86-295-001, Tenneco Oil Company.

Order on rehearing.

RP-10.

Omitted

RP-11.

(A) Docket No. RM87-5-000, Notice of Inquiry into Alleged Anticompetitive Practices Related to Marketing Affiliates of Interstate Pipelines. Interpretative rule, statement of policy and notice of proposed rulemaking.

(B) Docket No. CI86-56-001, Citizens Energy Corporation, Citizens Resources Corporation and Citizens Gas Supply Corporation.

Docket No. CI86-267-000, Howell Gas Management Company

Docket No. CI86-672-000, Clinton Gas Marketing, Inc.

Docket No. CI87-53-000, Cheney Energy Corporation

Docket No. CI87-254-000, Salmon Resources Ltd.

Docket No. CI87-324-000, Natural Gas Clearinghouse Inc.

Docket No. CI86-413-000, ANR Gathering Company

Docket No. CI86-419-000, ANR Supply Company

Docket No. CI86-421-000, TEXCOL Industrial Sales Company

Docket No. CI86-218-000, Transco Energy Marketing Company

Docket No. CI86-503-000, SNG Trading, Inc.

Docket No. CI87-295-000, Gulf Energy Marketing Corporation

Docket No. CI87-307-000, Midcon Marketing Corporation

Docket No. CI86-168-000, Tenngasco Corporation, *et al.*

Docket No. CI86-377-000, Arkla Energy Marketing Company

Docket No. CI86-378-000, Arkla Energy Marketing Company

Docket No. CI86-641-000, Northwest Marketing Company

Docket No. CI86-425-000, Energy Marketing Exchange

Docket No. CI86-255-000, Hadson Gas Systems, Inc.

Docket No. CI87-349-000, Brooklyn Interstate Natural Gas Corporation. Application for certificates of public convenience and neccessity.

(C) Docket Nos. CI86-168-001 and 002, Tenngasco Corporation and Tenngasco Exchange Corporation. Order on rehearing and reconsideration.

(D) Docket Nos. CP86-232-00, CP86-486-000, CP86-504-000, CP86-551-000, CP86-573-000, CP86-598-000, CP86-645-000, CP86-655-000, CP86-660-000, CP86-669-000, CP86-670-000 and CP86-671-000, Panhandle Eastern Pipe Line Company

Docket No. CP86-584-000, Independent Petroleum Association of Mountain States v. Panhandle Eastern Pipe Line Company.

Docket No. CP86-663-000, Independent Petroleum Association of Mountain States v. Colorado Interstate Gas Company. Opinion on initial decision regarding transportation policies and practices.

RP-12.

Omitted

RP-13.

Docket No. RM86-14-000, Revisions to the Purchased Gas Adjustment Regulations. Notice or proposed rulemaking.

II. Producer Matters

CI-1.

Reserved

III. Pipeline Certificate Matters

CP-1.

Docket Nos. CP85-756-002 through 006, Consolidated Gas Transmission Corporation

Docket Nos. CP86-208-002 through 006, Consolidated System LNG Company and Consolidated Gas Transmission Corporation

Docket Nos. CP85-806-001 through 005, Texas Eastern Transmission Corporation

Docket Nos. CP86-454-001 through 005, Columbia Gas Transmission Corporation. Order on rehearing of prior order on Certificate authorization for gas supply project.

CP-2.

Docket Nos. CP85-116-006, CP86-345-002, CP86-381-000, CP86-707-001 and CP87-53-000, Northwest Pipeline Corporation. Requests for section 7(c) authorization to transport gas imported from Canada.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-9566 Filed 4-23-87; 3:50 pm]

BILLNG CODE 6717-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

April 21, 1987.

TIME AND DATE: Thursday, April 30, 1987, Following oral argument which was previously noticed (April 3, 1987, 52 FR 10850).

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission will consider and act on the following:

2. *Odell Maggard v. Chaney Creek Coal Corp.*, etc., Docket Nos. KENT 86-1-D, etc. (Issues include whether the judge erred in upholding Odell Maggard's claim of discrimination.)

It was determined by a unanimous vote of Commissioners that this portion of the agenda be closed.

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653-5629.

Jean H. Ellen,

Acting Chief Docket Clerk.

[FR Doc. 87-9510 Filed 4-23-87; 12:23 pm]

BILLING CODE 6735-01-M

PAROLE COMMISSION

Record of Vote of Meeting Closure

Pursuant To The Goverment In The Sunshine Act (Pub. L. 94-409) (5 U.S.C. 552b)

I, Benjamin F. Baer, Chairman of the United States Parole Commission, presided at a meeting of said Commission which started at nine o'clock a.m. on Tuesday, April 21, 1987, at 5550 Friendship Boulevard, Chevy

Chase, Maryland 20815. The meeting ended at or about 5:00 p.m. The purpose of the meeting was to decide approximately 13 appeals from National Commissioners' decisions pursuant to 28 CFR 2.27. In addition, a portion of the meeting was closed to discuss personnel matters related to the Commission's 1987 budget request. Eight Commissioners were present, constituting a quorum, when the vote to close the meeting was submitted.

Public announcements further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the adjudicative portion of the meeting be closed: Benjamin F. Baer, Saundra Brown Armstong, Cameron M. Batjer, Jasper Clay, Jr., Vincent J. Fechtel, Carol P. Getty, G. MacKenzie Rast, and Victor M.F. Reyes. The same Commissioners also voted that the budget portion of the meeting be closed. The Commissioners and a Parole Analyst attended.

In witness whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: April 22, 1987.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 87-9524 Filed 4-23-87; 12:46 pm]

BILLING CODE 4410-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

TIME AND DATE: 2:30 p.m. (closed portion), 4:00 p.m. (open portion), Thursday, May 7, 1987.

PLACE: Offices of the Corporation, fourth floor Board Room, 1615 M Street NW., Washington, DC.

STATUS: The first part of the meeting from 2:30 p.m. to 4:00 p.m. will be closed to the public. The open portion of the meeting will commence at 4:00 p.m. (approximately).

MATTERS TO BE CONSIDERED: (Closed to the public 2:30 p.m. to 4:00 p.m.):

1. Finance Project in South American Country
2. Finance Project in South American Country
3. Finance Project in Middle Eastern Country
4. Insurance Project in Middle Eastern Country
5. Insurance Project in Middle Eastern Country
6. Insurance Project in East Asian Country
7. Insurance Project in South American Country
8. Internationally Recognized Worker Rights in China
9. OPIC Privatization Status
10. Claims Report
11. Information Report (Finance)
12. Insurance and Finance Reports
13. U.S. Effects Study

FURTHER MATTERS TO BE CONSIDERED: (Open to the public 4:00 p.m.)

1. Approval of the Minutes of the Previous Board Meeting
2. Approval of Proposed Regular Meetings of the Board
3. Increase of Direct Investment Fund for Fiscal Year 1987
4. Treasurer's Report: Financial Statements as of February 28, 1987, and for Six Months Ended March 31, 1987
5. Information Reports: Smaller Business and Cooperative Activities, Developmental Effects, and Insurance

CONTACT PERSON FOR INFORMATION: Information with regard to the meeting may be obtained from the Secretary of the Corporation, at (202) 457-7079.

Peggy A. Kole,

OPIC Corporate Secretary.

April 23, 1987.

[FR Doc. 87-9505 Filed 4-23-87; 11:03 am]

BILLING CODE 3210-01-M

Federal Register

Monday
April 27, 1987

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1987 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6993.

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS

Page

About the Unified Agenda 14112
How to Use the Unified Agenda 14113
Data Limitations 14114
List of Abbreviations 14114
Information About Additional Copies 14114

AGENCY DESCRIPTIONS OF REGULATORY ACTIVITIES

Cabinet Departments

Department of Agriculture 14116
Department of Commerce 14156

TABLE OF CONTENTS—Continued

Page

Department of Defense 14206
Department of Education 14222
Department of Energy 14254
Department of Health and Human Services 14270
Department of Housing and Urban Development 14362
Department of the Interior 14404
Department of Justice 14482
Department of Labor 14494
Department of State 14544
Department of Transportation 14548
Department of the Treasury 14682

Other Executive Agencies

ACTION 14844
Advisory Council on Historic Preservation 14848
Architectural and Transportation Barriers Compliance Board 14850
Environmental Protection Agency 14854
Equal Employment Opportunity Commission 14924
Federal Emergency Management Agency 14930
Federal Mediation and Conciliation Service 14942
General Services Administration 14944
International Development Cooperation Agency/Agency for International Development 14960
Merit Systems Protection Board 14964
National Aeronautics and Space Administration 14968
National Archives and Records Administration 14976
National Foundation on the Arts and the Humanities/National Endowment for the Arts 14982
National Foundation on the Arts and the Humanities/National Endowment for the Humanities 14986
National Science Foundation 14988
Office of Management and Budget 14992
Office of Personnel Management 14998
Panama Canal Commission 15018
Peace Corps 15022
Pennsylvania Avenue Development Corporation 15026
Pension Benefit Guaranty Corporation 15028
Railroad Retirement Board 15038
Selective Service System 15046
Small Business Administration 15048
Tennessee Valley Authority 15058
Veterans Administration 15062

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation) 15086

Independent Agencies

Commodity Futures Trading Commission 15104
Consumer Product Safety Commission 15110

TABLE OF CONTENTS—Continued

Page

Farm Credit Administration 15118
Federal Communications Commission 15126
Federal Deposit Insurance Corporation 15138
Federal Energy Regulatory Commission 15144
Federal Home Loan Bank Board 15152
Federal Maritime Commission 15158
Federal Reserve System 15168
Federal Trade Commission 15178
Interstate Commerce Commission 15188
National Credit Union Administration 15196
Nuclear Regulatory Commission 15204
Securities and Exchange Commission 15230

About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings under development of each. This year's Regulatory Program covers only 26 of the major Federal regulatory agencies, and includes only the most significant of all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are

included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

This edition of the Unified Agenda includes 54 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. The Council on Environmental Quality and the National Capitol Planning Commission usually publish a regulatory agenda, but have nothing to report for this edition of the Unified Agenda. Agencies of the United States Congress are not included. The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, 26 agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

This edition of the Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, abstract, legal deadline, timetable, small business effects, and agency contact. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

DATED: April 1, 1987.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 87-6 states that entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action will be included in the **Regulatory Program of the United States Government** for the 1987 program year, or
  b. The agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (PL) or the Executive order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or PL references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline and, if so, the date of that deadline.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/86 means the agency can predict the month and year the action will take place, but not the date it will occur.

- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 27, 1987, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 87-7122 Filed 04-24-87; 8:45 am]

BILLING CODE 3194-01-T

federal register

Monday
April 27, 1987

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Spring 1987

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 148-E, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1270.

DATED: February 27, 1987.

David R. Hoyt,

Chief, Regulatory and Legislative Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Mohair Standards	0581-AA06
2	Wool Standards	0581-AA12
3	Fees for Service for Voluntary and Mandatory Programs	0581-AA19

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
5	National Average Loan Rates for 1987-Crop Quota and Additional Peanuts	0560-AA61
6	1987-Crop Honey Price Support Program	0560-AA73
7	Common Program Provisions for the 1988 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA89
8	1988 Rice Program	0560-AA90
9	1988 Wheat Program	0560-AA91
10	1988 Feed Grain Program	0560-AA92
11	1988 Upland Cotton Program	0560-AA93
12	1987 Soybean Loan Program	0560-AA95
13	1987 Price Support Levels for Six Kinds of Tobacco	0560-AA97
14	1988 Extra Long Staple (ELS) Cotton Program	0560-AA99
15	1988-Crop Honey Price Support Program	0560-AB04
16	1988 Wool and Mohair Program	0560-AB05
17	1988-Crop Marketing Quotas and Acreage Allotments for Minor Kinds of Tobacco	0560-AB07
18	1988-Crop Peanut Price Support Program Differentials	0560-AB08
19	1987 CCC Cotton Loan Program Regulations	0560-AB10

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
20	1987 Feed Grain Program	0560-AA59
21	1987 Extra Long Staple (ELS) Cotton Program	0560-AA60
22	1987 Upland Cotton Program	0560-AA64
23	1987 Wool and Mohair Program	0560-AA65

USDA

Agricultural Stabilization and Conservation Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
24	1987-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA67
25	1987-Crop Burley Tobacco Marketing Quotas	0560-AA68
26	1987 Rice Program	0560-AA72
27	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
28	1987-Crop Peanuts National Poundage Quota	0560-AA79
29	1987 Wheat Program	0560-AA82
30	Highly Erodible Land and Wetland Conservation Programs	0560-AA88
31	Common Program Provisions for the 1987 Wheat, Feed Grains, Cotton and Rice Programs	0560-AA94
32	Regulations for Procurement of Processed Agricultural Commodities for Donations Under Title II, P.L. 480	0560-AA96
33	1988-Crop Flue-Cured Tobacco Marketing Quotas	0560-AA98
34	1987-Crop Sugar Beets and Sugarcane Price Support Loan Rates	0560-AB01
35	Milk Price Support Level, Calendar Year 1988	0560-AB02
36	Milk Price Support Level, October 1, 1987, through December 31, 1990	0560-AB03
37	1988-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB06
38	1987-88 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB09
39	Notice of 1987-88 Application and Inspection Fees Under the 1987 Uniform Grain and Rice Storage Agreement	0560-AB11

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
40	National Average Loan Rates for 1985-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export Edible Sales Price for Additional Loan Peanuts	0560-AA31
41	1985 Price Support Level for Honey	0560-AA32
42	Regs. Relating to the Referral of Delinquent Debts to Credit Reporting Agencies	0560-AA50
43	National Average Loan Rates for 1986-Crop Quota and Additional Peanuts and CCC Sales Policy for 1986-1991 Crops of Peanuts	0560-AA63
44	1986 Price Support Levels for Six Kinds of Tobacco	0560-AA70
45	1986 Soybean Loan Program	0560-AA71
46	Conservation Reserve Programs Under the Food Security Act of 1985	0560-AA77
47	1986-Crop Peanuts National Poundage Quota	0560-AA80
48	1986-Crop Marketing Quotas and Price Support Levels for Burley Tobacco	0560-AA85
49	1986-Crop Flue-Cured Tobacco Marketing Quotas and Price Support Level	0560-AA86

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
50	Gypsy Moth - Outdoor Household Articles	0579-AA15

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
51	Revision of 7 CFR 319.56 - Fruits and Vegetables	0579-AA12
52	Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason To Believe Are Plant Pests	0579-AA16

USDA

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
53	Unified Guidelines for Biotechnology Research	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
54	Recapture of Section 502 Rural Housing Subsidy	0575-AA29

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
55	Suspension and Debarment Regulations	0575-AA02
56	Implement New Regulation Concerning Referral to Collection Agencies	0575-AA26
57	Rural Rental Housing Policies, Procedures and Authorizations	0575-AA28
58	Revisions of Procedure Regarding Prepayment of Multi-Family Housing Loans	0575-AA30

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
59	Restricting Insured and Guaranteed Farm Ownership and Operating Loans when Surplus Items Exist	0575-AA12
60	Strengthening the FmHA Business and Industrial Guaranteed Loan Program	0575-AA17
61	Revision of Construction Standards for FmHA Financed Housing	0575-AA21
62	FmHA Guarantees of Commercial Lender's Farm Ownership (FO) and Operating Loans (OL) with Accompanying Lender Principal Write Down and/or Interest Rate Reduction	0575-AA22
63	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23
64	Building Requirements and Design Features Emphasizing Cost Containment	0575-AA24
65	General Revision of Farmer Program Regulations	0575-AA27

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
66	Section 502 Rural Housing Loan Policies, Procedures and Authorizations For Financing Mobile/Manufactured Homes and Rural Rental Housing Loan Policies, Procedures, and Authorization	0575-AA05
67	Mobile/Manufactured Home Rental Projects	0575-AA08

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
68	Waiver Simplification: Food Stamp Program	0584-AA02
69	Food Distribution Program on Indian Reservations	0584-AA09

USDA

Food and Nutrition Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
70	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
71	Simplified Application and Standardized Benefits: Food Stamp Program	0584-AA62
72	Administration/Management: Food Stamp Program	0584-AA63
73	Quality Control System: Food Stamp Program	0584-AA64
74	Special Supplemental Food Program for Women, Infants, and Children: Funding Formula	0584-AA69
75	Special Supplemental Food Program for Women, Infants and Children: Administrative Funding Formula	0584-AA70

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
76	Issuance Loss Liability: Food Stamp Program	0584-AA05
77	Food Distribution Program	0584-AA07
78	Reimbursing Workfare's Administrative Costs: Food Stamp Program	0584-AA20
79	Emergency Food Assistance for Victims of Disasters	0584-AA24
80	Forfeiture Procedures/Bonding: Food Stamp Program	0584-AA40
81	Administrative Review Process and Quality Control Arbitration Procedures: Food Stamp Program	0584-AA46
82	Retailer/Wholesaler Provisions: Food Stamp Program	0584-AA67

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
83	Rewrite of Regulations on Determining Eligibility for Free and Reduced Price Benefits	0584-AA32
84	Management Evaluations and Corrective Action Plans: Food Stamp Program	0584-AA37
85	Rewrite of National School Lunch Program Regulations	0584-AA43
86	Proposal for a National Inventory System	0584-AA60
87	Employment and Training Requirements: Food Stamp Program	0584-AA65
88	Food Stamp Program: Thrifty Food Plan	0584-AA68

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
89	Administrative Regulations	0583-AA02
90	Red Meat Slaughter Regulations	0583-AA03
91	Transportation	0583-AA19

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
92	Swine Identification at Official Slaughtering Establishments	0583-AA25
93	Various Amendments to Accommodate Inspection of Meat Food Products Under Title IV of the Futures Trading Act of 1986	0583-AA26
94	Requirements for Partially Rendered Products	0583-AA27
95	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
96	Verification of Labeling Claims Concerning Raising of Livestock and Poultry	0583-AA29
97	Determination of Added Water in Cooked Sausages	0583-AA30

USDA

Food Safety and Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
98	Sulfonamides in Swine	0583-AA31

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
99	Standard for Frankfurters and Similar Cooked Sausages	0583-AA21

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
100	A Review of Recordkeeping and Reporting Requirement Regulations under the Federal Meat Inspection Act and the Poultry Products Inspection Act	0583-AA00
101	Labeling for Meat and Poultry Products with Cheese Substitutes, Revised Pizza Standard	0583-AA07
102	Canning of Meat and Poultry Products	0583-AA08
103	Definitions and Standards of Identity or Composition: Cooked Poultry Sausage	0583-AA10
104	Barbecue Standard	0583-AA12
105	Requirements for Mechanically Separated (Kind) Poultry Product and Products in Which It is Used	0583-AA15
106	Expansion of Operating Schedules for Total Quality Control Establishments	0583-AA16
107	Regulations Concerning the Irradiation of Pork for Trichina Control	0583-AA23

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
108	Amend 7 CFR 1493 to Provide for Intermediate Credit Guarantees Which Will Give U.S. Exporters or U.S. Banks Protection in the Event Foreign Banks Fail to Make Payment	0551-AA19
109	Determination of the Market Stabilization Price for Sugar for FY 1988	0551-AA20
110	Determination of Import Quotas on Sugar for Fiscal Year 1987	0551-AA21
111	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
112	Dairy Export Incentive Program	0551-AA22

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
113	Conservation of Fish, Wildlife, and their Habitats on the Copper/River Addition and Copper River-Bering River Portion, Chugach National Forest, Alaska	0596-AA41

USDA

Forest Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
114	Part 219 Planning	0596-AA50
115	Appeal of Decisions of Forest Officers	0596-AA51
116	Official Forest Service Insignia	0596-AA59

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
117	Entrance into Petersburg Watershed	0596-AA23
118	Land Status and Title Records	0596-AA24
119	Ingress to and Egress from National Forest System Lands	0596-AA31
120	Periodic Payments for National Forest Timber Sale Contracts	0596-AA33
121	Use Restrictions of National Forest Lands for the Protection of Municipal Water Supplies	0596-AA34
122	Range Management - Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA35
123	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
124	Control of Skewed Bidding on National Forest Timber Sales	0596-AA37
125	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
126	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
127	Land Exchanges	0596-AA42
128	Disposal of Mineral Materials	0596-AA44
129	Timber Sale Contract Form Revision and Publishing of Policy Forms FS-2400-6 and 2400-6T	0596-AA45
130	Leasable Mineral Regulations	0596-AA46
131	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
132	Locatable Minerals	0596-AA49
133	Indian Allotments on National Forest System Lands	0596-AA52
134	Recreation Residence Authorizations	0596-AA53
135	Create a New Subpart C to 36 CFR 264 Entitled National Scenic and Historic Trail Symbols	0596-AA54
136	Grazing Fees; Eastern and Southern Regions	0596-AA55
137	Ski Area Term Permits	0596-AA57

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
138	Debarment and Suspension of Timber Sale Contractors	0596-AA09
139	Small Business Timber Sale Set Aside Program	0596-AA43
140	Prohibitions; Possession and Storage of Food and Refuse in Certain National Forest Areas	0596-AA48
141	Prohibitions; Fossil Collecting	0596-AA56
142	Appeal of Decisions of Forest Officers; Revision of Stay Procedures	0596-AA58
143	Non-Competitive Disposal of Mineral Materials	0596-AA60

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
144	Range Management-Grazing and Livestock Use and Management of Wild-Free-Roaming Horses and Burros	0596-AA14
145	Special Uses of National Forest System Lands	0596-AA20
146	Young Adult Conservation Corps	0596-AA26
147	Experimental Areas and Research Natural Areas	0596-AA30
148	Youth Conservation Corps	0596-AA32
149	Fee Policy for Linear Rights-of-Way	0596-AA40

USDA

Office of Finance and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
150	Amend USDA Uniform Federal Assistance Regulations	0505-AA01

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
151	Relocation Assistance	0578-AA12
152	Procedures for the Protection of Archeological and Historical Properties Encountered in SCS-Assisted Programs	0578-AA13

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
153	Soil Surveys	0578-AA00
154	Snow Surveys and Water Supply Forecasts	0578-AA01
155	Prime and Unique Farmlands	0578-AA10
156	Farmland Protection Policy Act	0578-AA14

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. MOHAIR STANDARDS

Legal Authority: Agricultural Marketing Act of 1946; 60 Stat. 1087 to 1091; 7 USC 1621 et seq

CFR Citation: 7 CFR 32

Legal Deadline: None.

Abstract: Combine grade standards for mohair and mohair top into one standard. (AMS 84-014)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: **Tilli Fox**, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA06

2. WOOL STANDARDS

Legal Authority: 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 29 FR 16210; 30 FR 1260, as amended; 30 FR 2160

CFR Citation: 7 CFR 31

Legal Deadline: None.

Abstract: Combine grade standards for grease wool and wool top into one standard. (AMS 84-016)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: **Tilli Fox**, Reg Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA12

3. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Legal Deadline: None.

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: **Tilli Fox**, Reg. Review Staff, MRD, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA19

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

4. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None.

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA38

5. NATIONAL AVERAGE LOAN RATES FOR 1987-CROP QUOTA AND ADDITIONAL PEANUTS

Legal Authority: 7 USC 1445c-2; 7 USC 1423; Ag Act of 1949, Sec. 108B

CFR Citation: Not applicable

Legal Deadline: Statutory, February 15, 1987.

Abstract: This action is required by legislation, which provides a formula for computing the quota support level and guidelines for determining the additional support level. The objective is to support farm income and stabilize prices. (ASCS 86-031)

Timetable:

Action	Date	FR Cite
Announcement	02/13/87	
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA61

6. 1987-CROP HONEY PRICE SUPPORT PROGRAM

Legal Authority: 7 USC 1446; Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: The Food Security Act of 1985 requires that 1987-crop honey be supported at 63 cents per pound. The Act also provides the Secretary discretion to conduct a marketing loan program. The objective of the marketing loan concept is to (1) minimize the number of loan forfeitures, (2) avoid excessive stocks of honey, (3) reduce the costs incurred by the Federal Government in storing honey, and (4) maintain the competitiveness of honey in domestic and export markets. (ASCS 86-028)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA73

7. COMMON PROGRAM PROVISIONS FOR THE 1988 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: 7 USC 1441-1; 7 USC 1444-1; 7 USC 1444-b; 7 USC 1445b-3; 7 USC 1461 to 1469; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage for Wheat Only)

Abstract: To make and implement determinations that are common to each of the 1988 wheat, feed grains, cotton and rice programs.

Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of ten percent of a farm's acreage base between program commodity base acreage, (8) consideration of actual 1988-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-057)

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA89

8. 1988 RICE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1988.

Abstract: To provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-058)

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA90

9. 1988 WHEAT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1445b-3; The Agricultural Act of 1949, as amended, Sec 107D

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.460 to 1421.471; 7 CFR 1421.700 to 1421.714

Legal Deadline: Statutory, June 1, 1987. (Acreage Reduction Percentage Only)

USDA—ASCS **Proposed Rule Stage**

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, and comply with statutory requirements. (ASCS 86-059)

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA91

10. 1988 FEED GRAIN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444e; The Agricultural Act of 1949, as amended, Sec 105C and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.1 to 1421.29; 7 CFR 1421.90 to 1421.100; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1987. (Acreage Reduction Percentage Only)

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-060)

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA92

11. 1988 UPLAND COTTON PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1444-1, Ag Act of 1949, as amended Sec. 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1987.

Abstract: To assure sufficient supplies of upland cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-061)

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	
Final Action	10/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA93

12. 1987 SOYBEAN LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.1 to 1421.29; 7 CFR 1421.365 to 1421.374

Legal Deadline: Statutory, October 1, 1987.

Abstract: To assure sufficient supplies for domestic and export use, and comply with statutory requirements. (ASCS 86-062)

Timetable:

Action	Date	FR Cite
NPRM	08/03/87	
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA95

13. 1987 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 1464

Legal Deadline: None.

Abstract: To stabilize tobacco prices and comply with statutory requirements. (ASCS 86-063)

Timetable:

Action	Date	FR Cite
NPRM	04/10/87	
Final Action	08/28/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA97

14. 1988 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); The Agricultural Act of 1949, as amended Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1987.

Abstract: To assure sufficient supplies of extra long staple cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-065)

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	
Final Action	12/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA99

15. ● 1988-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec. 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None.

Abstract: Legislation requires that 1988-crop honey be supported at 95 percent of the 1987 level, or $0.5985 per pound. It also provides the Secretary the discretion to allow loan repayment at a lower rate. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of honey in domestic and export markets. Alternatives to be considered are: the type of support to offer, whether loans, purchases, or loans and purchases, and whether to implement the lower repayment provision. Government costs under the lower repayment provision

would be expected to be under $60 million.

Timetable:

Action	Date	FR Cite
NPRM	01/18/88	
Final Action	04/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Progam Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB04

16. ● 1988 WOOL AND MOHAIR PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended by; PL 99-198, Sec 201 The Food Security Act of 1985

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: This action will encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will ensure a viable domestic wool industry, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is determined by statutory formula. The support level for mohair must be set at a level not more than 15 percent above, or below the comparable percentage of parity at which shorn wool is supported. The expected cost to Government will be between $100 and $200 million.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
Final Action	12/31/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB05

17. ● 1988-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR MINOR KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Act of 1938, as amended, Sec 312-313

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, March 1, 1988.

Abstract: Marketing quotas and acreage allotments are required by legislation. Their objective is to balance supply with demand at levels that ensure stable supplies for domestic and export use. This action is expected to result in a net receipt to the Government of approximately $8 million.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
Final Action	03/01/88	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB07

18. ● 1988-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Significance: Agency Priority

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec. 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec. 5

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	
Final Action	03/31/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB08

19. ● 1987 CCC COTTON LOAN PROGRAM REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 714b to 714c; Commodity Credit Corporation Charter Act, Sec's 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None.

Abstract: This action will incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1987 that are approved by the joint Cotton Industry Bale Packaging Committee and are acceptable to CCC. The alternative is to publish the specifications in the regulations instead of incorporation by reference. No impact on Government outlays is expected.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
Final Action	07/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB10

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Stabilization and Conservation Service (ASCS)

Final Rule Stage

20. 1987 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444 to 1445; Ag Act of 1949, as amended Sec. 105, 107, and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Legal Deadline: Statutory, September 30, 1986.

Abstract: The object of this action is to provide an adequate feed grain supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-043)

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26452
Announcement	09/29/86	
Announcement	10/24/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA59

21. 1987 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Ag Act of 1949 Sec 103(h); as amended by Sec 507 of the Food Security Act of 1985; PL 99-198

CFR Citation: 7 CFR 1427

Legal Deadline: Statutory, December 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30886
Announcement	11/21/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA60

22. 1987 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; Ag Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Statutory, November 1, 1986.

Abstract: The object of this action is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and comply with statutory requirements. (ASCS 86-045)

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30889
Announcement	09/29/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA64

23. 1987 WOOL AND MOHAIR PROGRAM

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None.

Abstract: To encourage the continued domestic production of wool by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. (ASCS 86-038)

Timetable:

Action	Date	FR Cite
NPRM	12/30/86	51 FR 47035
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA65

24. 1987-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312-313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, December 15, 1986.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. (ASCS 86-035)

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39768
Announcement	12/12/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA67

25. 1987-CROP BURLEY TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1301 et seq; Ag Adjustment Act of 1938, as amended, Sec 301 et seq

CFR Citation: Not applicable

Legal Deadline: Statutory, February 1, 1987.

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. Possible quota levels range from the minimum statutory level (90% of estimated use) to a somewhat higher level. (ASCS 86-037)

Timetable:

Action	Date	FR Cite
NPRM	01/08/87	52 FR 00693
Announcement	02/02/87	

Next Action Undetermined

Small Entity: Not Applicable

USDA—ASCS

Final Rule Stage

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA68

26. 1987 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441-1; Ag Act of 1949, as amended Sec 101A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Statutory, January 31, 1987.

Abstract: The object of this action is to provide an adequate rice supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-047)

Timetable:

Action	Date	FR Cite
NPRM	08/22/86	51 FR 30083
Announcement	10/24/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA72

27. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA74

28. 1987-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Legal Authority: 7 USC 1358; Ag Act of 1938, Sec 358

CFR Citation: Not applicable

Legal Deadline: Statutory, December 15, 1986.

Abstract: This action is required by legislation, which provides a formula for computing the National quota. The quota must equal the amount devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The objective is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income. (ASCS 86-033)

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 41990
Announcement	12/12/86	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA79

29. 1987 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1332 to 1338; 7 USC 1445 et seq; 7 USC 1433c; Ag Adjustment Act of 1938 as amended, Sec 338; Ag Act of 1949 as amended, Sec 107 and 424

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.485 to 1421.490

Legal Deadline: Statutory, June 1, 1986.

Abstract: The object of this action is to provide an adequate wheat supply for domestic and foreign utilization, and comply with statutory requirements. (ASCS 86-041)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17601
Announcement	05/30/86	
Announcement	06/30/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA82

30. HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION PROGRAMS

Legal Authority: 16 USC 3801 to 3822; 16 USC 3841 to 3845; PL 98-198; Sections 1201-1223 and 1241-1245, The Food Security Act of 1985

CFR Citation: 7 CFR 703, (New)

Legal Deadline: Statutory, June 20, 1986.

Abstract: This action is needed to set forth the terms and conditions of the Highly Erodible Land and the Wetland Conservation Programs as required by the Food Security Act of 1985. Under these programs a producer who, after 12/23/85, produces an agricultural commodity on a field defined as highly erodible or on wetland converted after 12/23/85 will be ineligible for any designated USDA program benefits. However, during the period from 12/23/85 to the later of 1/1/90 or 2 years after a producer's field is mapped by SCS for purposes of classifying such land, such producer will not be ineligible for program benefits for highly erodible land that had been cultivated to produce any of the 1981-85 crops, or set aside, diverted or otherwise not cultivated under a USDA production adjustment program. Certain other exemptions from the ineligibility provisions will also apply. (ASCS 86-051)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/27/86	51 FR 23496

USDA—ASCS **Final Rule Stage**

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 447-4636**

RIN: 0560-AA88

31. COMMON PROGRAM PROVISIONS FOR THE 1987 WHEAT, FEED GRAINS, COTTON AND RICE PROGRAMS

Significance: Agency Priority

Legal Authority: Agricultural Adjustment Act of 1938; and Agricultural Act of 1949, as amended by; PL 99-198, The Food Security Act of 1985; PL 99-253, The Food Security Act of 1985: Amendments and; PL 99-260, The Food Security Improvements Act of 1986

CFR Citation: Not yet determined

Legal Deadline: Statutory, June 1, 1986.

Abstract: To make and implement determinations that are common to each of the 1987 Wheat, Feed Grains, Cotton and Rice Programs. Determinations are to be made on (1) the enrollment period (universal or staggered for each program), (2) production of approved non-program crops on underplanted program crop permitted acreage, (3) production of alternative crops on reduced acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity base acreages, (8) consideration of actual 1987-crop yields in establishing a subsequent year's program payment yield, (9) procedure for crediting prevented planting and failed acreage, and (10) advance deficiency and diversion payments. (ASCS 86-053)

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17598
Announcement	05/30/86	
Final Action	04/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA94

32. REGULATIONS FOR PROCUREMENT OF PROCESSED AGRICULTURAL COMMODITIES FOR DONATIONS UNDER TITLE II, P.L. 480

Legal Authority: PL 480 Ag Trade Development and Assistance Act of 1954; as amended, Title II; 7 USC 1721 et seq

CFR Citation: 7 CFR 1496

Legal Deadline: None.

Abstract: This action would amend the regulation to clarify that lowest landed cost may be on a U.S. flag basis to more efficiently comply with cargo preference requirements. (ASCS 86-054)

Timetable:

Action	Date	FR Cite
NPRM	07/21/86	51 FR 26164

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA96

33. 1988-CROP FLUE-CURED TOBACCO MARKETING QUOTAS

Legal Authority: 7 USC 1311 to 1313; Agricultural Adjustment Act of 1938, as amended; Sec 311 to 313

CFR Citation: 7 CFR 725

Legal Deadline: Statutory, December 15, 1987.

Abstract: Marketing quotas are required by legislation. Their objective is to balance supply with demand at levels assuring stable supplies for domestic and export use. (ASCS 86-064)

Timetable:

Action	Date	FR Cite
Final Action	12/11/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA98

34. ● 1987-CROP SUGAR BEETS AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Agency Priority

Legal Authority: 7 USC 1446; The Agricultural Adjustment Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: None.

Abstract: Legislation requires the Secretary to support the price of domestically grown sugar beets and sugarcane through a nonrecourse loan program. This action will set forth (1) the loan rates applicable to 1987-crop sugar beets and sugarcane, and (2) the 1987-crop minimum price support levels that processors are required to pay to growers. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/15/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AB01

35. ● MILK PRICE SUPPORT LEVEL, CALENDAR YEAR 1988

Significance: Agency Priority

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)(1)(E)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, January 1, 1988.

Abstract: Legislation requires that, if estimated price support purchases for 1988 exceed 5 billion pounds (milk equivalent, fat basis), the Secretary shall reduce the support price by $0.50 per hundredweight (cwt), and if estimated purchases do not exceed 2.5 billion pounds, shall increase the support price by $0.50/cwt. The cost to Government is expected to be approximately $1 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	

Small Entity: No

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program

USDA—ASCS **Final Rule Stage**

Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB02

36. ● MILK PRICE SUPPORT LEVEL, OCTOBER 1, 1987, THROUGH DECEMBER 31, 1990

Significance: Agency Priority

Legal Authority: 7 USC 1446(d); The Agricultural Act of 1949, as amended, Sec. 201(d)

CFR Citation: 7 CFR 1430

Legal Deadline: Statutory, October 1, 1987.

Abstract: Legislation requires that the price of milk shall be supported during the period 10/01/87 through 12/31/90 at $11.60 per hundredweight (cwt) for milk containing 3.67 percent milkfat. It also requires the termination of the $0.75/cwt reduction in the support price as of 09/30/87. Under certain circumstances, the support price may be changed for calendar years 1988-90. Any changes in the support price for calendar years 1988-90 will be covered in separate actions. The cost to Government is expected to be approximately $1 billion per year.

Timetable:

Action	Date	FR Cite
Final Action	09/30/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB03

37. ● 1988-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312 to 313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Statutory, February 1, 1988.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers.

Timetable:

Action	Date	FR Cite
Final Action	01/31/88	

Small Entity: No

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB06

38. ● 1987-88 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec. 314

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This action will announce the penalty rates for all kinds of tobacco for the 1987-88 marketing year. By statute, the penalty must be set equal to 75 percent of the previous year's average market price. Tobacco producers, warehousemen, and dealers need to be apprised of the penalty rates prior to the beginning of the marketing year. No alternatives are considered and no impact on Government outlays is expected.

Timetable:

Action	Date	FR Cite
Final Action	05/29/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB09

39. ● NOTICE OF 1987-88 APPLICATION AND INSPECTION FEES UNDER THE 1987 UNIFORM GRAIN AND RICE STORAGE AGREEMENT

Significance: Agency Priority

Legal Authority: 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: 7 CFR 1421

Legal Deadline: None.

Abstract: All grain and rice warehousemen who do not have an existing UGSA or URSA with CCC for the storage and handling of CCC-owned commodities or commodities pledged to CCC as loan collateral but who desire such an agreement must pay an application and inspection fee for each warehouse for which CCC approval is sought prior to CCC conducting the original warehouse examination. The fees are charged to defray the costs of examinations. If fees were not charged, they would become an expense to CCC. There is no expected cost to Government of this action.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	

Small Entity: Not Applicable

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB11

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

40. NATIONAL AVERAGE LOAN RATES FOR 1985-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT EDIBLE SALES PRICE FOR ADDITIONAL LOAN PEANUTS

CFR Citation: 7 CFR 729; 7 CFR 1446

Completed:

Reason	Date	FR Cite
Announcement	02/14/85	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA31

41. 1985 PRICE SUPPORT LEVEL FOR HONEY

CFR Citation: 7 CFR 1434

Completed:

Reason	Date	FR Cite
Announcement	03/29/85	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA32

42. REGS. RELATING TO THE REFERRAL OF DELINQUENT DEBTS TO CREDIT REPORTING AGENCIES

CFR Citation: 7 CFR 1403

Completed:

Reason	Date	FR Cite
Final Action	12/30/86	51 FR 46993

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA50

43. NATIONAL AVERAGE LOAN RATES FOR 1986-CROP QUOTA AND ADDITIONAL PEANUTS AND CCC SALES POLICY FOR 1986-1991 CROPS OF PEANUTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	11/12/86	51 FR 40993

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA63

44. 1986 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Final Action	01/30/87	52 FR 03034

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA70

45. 1986 SOYBEAN LOAN PROGRAM

CFR Citation: 7 CFR 1421.365 to 1421.374

Completed:

Reason	Date	FR Cite
Final Action	10/16/86	51 FR 36834

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA71

46. CONSERVATION RESERVE PROGRAMS UNDER THE FOOD SECURITY ACT OF 1985

CFR Citation: 7 CFR 704

Completed:

Reason	Date	FR Cite
Final Action	02/11/87	52 FR 04265

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA77

47. 1986-CROP PEANUTS NATIONAL POUNDAGE QUOTA

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	11/12/86	51 FR 40992

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA80

48. 1986-CROP MARKETING QUOTAS AND PRICE SUPPORT LEVELS FOR BURLEY TOBACCO

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Announcement Price Support Level	11/06/86	

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA85

49. 1986-CROP FLUE-CURED TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	08/12/86	51 FR 28850

Small Entity: Not Applicable

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA86

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

50. GYPSY MOTH - OUTDOOR HOUSEHOLD ARTICLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 161; 7 USC 162

CFR Citation: 7 CFR 301.45

Legal Deadline: None.

Abstract: The Department has been regulating the movement of outdoor household articles (OHA) out of those areas in the northeast which are

USDA—APHIS **Proposed Rule Stage**

regulated for gypsy moth. The (OHA) regulations have been in place since 1983. The current program requires that no life stages of the pest be moved out of those areas. Owners of OHA can either inspect the articles themselves and remove any life stages found or can contact a qualified certified applicator (OCA) and pay for the services necessary to rid the articles of gypsy moth. The program, despite a massive educational campaign using various media, has not lived up to expectations. At best, the Agency is experiencing only 50 percent compliance. This information is based on random spot checks of moving vans leaving the infested northeast. The Agency is considering ways to improve the compliance rate to at least 70 percent. Alternatives being considered include mandatory inspection by qualified certified applicators; mandatory written certification of inspection by the owner of the OHA; and increased public notification and awareness. (86-021)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
Final Action	07/01/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA15

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)

51. REVISION OF 7 CFR 319.56 - FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to ff; 7 USC 159; 7 USC 162

CFR Citation: 7 CFR 319.56

Legal Deadline: None.

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, Plant Protection and Quarantine (PPQ) is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables. (APHIS 85-008)

Timetable:

Action	Date	FR Cite
Final Action	03/01/87	
NPRM	06/01/87	
NPRM Comment Period End	08/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA12

52. INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

Significance: Regulatory Program

Legal Authority: 7 USC 150aa to 150jj; 7 USC 151 to 164

CFR Citation: 7 CFR 340, Proposed

Legal Deadline: None.

Abstract: Trade in organisms and products altered or produced through genetic engineering may introduce and disseminate plant diseases and pests in the United States which pose a threat to U.S. agriculture and the environment if the introduction and dissemination of these genetically engineered articles are not regulated. The articles themselves, the cultures in which they are transported, or their packaging may be contaminated with plant pests. Some genetically engineered organisms and products are plant pests or there is reason to believe such organisms and products are plant pests. It is necessary, therefore, to establish regulatory control over genetically engineered organisms and products which are plant pests or which there is reason to believe are plant pests. (APHIS 86-015)

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23352
NPRM Comment Period End	09/26/86	
Final Action	03/15/87	

Small Entity: No

Agency Contact: Steven B. Farbman, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, 301 436-5533

RIN: 0579-AA16

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Cooperative State Research Service (CSRS)

53. UNIFIED GUIDELINES FOR BIOTECHNOLOGY RESEARCH

Legal Authority: PL 99-198 Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The purpose of these guidelines is to specify required laboratory, agricultural, and environmental practices for constructing, handling, and experimental testing of plants, animals, and selected microorganisms involved in agricultural biotechnology research. These guidelines are necessary to assure the safety of agricultural ecosystems in which genetically engineered organisms may be released from physical containment. Compliance with the guidelines will be obligatory for all entities which receive research support from USDA and it will be

USDA—CSRS — **Proposed Rule Stage**

voluntary for other entities. The guidelines are promulgated under the authority of the Food Security Act of 1985 (P.L. 99-198) and they are patterned after the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958) (CSRS 86-001).

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 017 Justin Smith Morrill Bldg., Washington, DC 20251-0900, 202 475-4964

RIN: 0524-AA00

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Prerule Stage

54. ● RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1951

Legal Deadline: None.

Abstract: FmHA proposes to revise regulations regarding the recapture of subsidy granted on Section 502 rural housing loans. This action is necessary as current FmHA regulations pertaining to same are confusing to the general public and our borrowers. The intended effect of this action is to shorten and simplify the method of calculating recapture.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/87	
ANPRM Comment Period End	08/01/87	
Final Action	11/01/87	
Final Action Effective	12/01/87	

Small Entity: No

Agency Contact: Chris Gottelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, 202 382-9744

RIN: 0575-AA29

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Proposed Rule Stage

55. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None.

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: Agency action deferred until GSA completes study and regulation which applies to all agencies.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA02

56. IMPLEMENT NEW REGULATION CONCERNING REFERRAL TO COLLECTION AGENCIES

Legal Authority: 7 USC 1989; 42 USC 1480

CFR Citation: 7 CFR 1951

Legal Deadline: None.

Abstract: The objective is to contract with collection agencies for the collection of amounts delinquent on non-program loans and collection-only accounts. (FmHA 86-011)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: The continuing resolution for Fiscal Year 1987 can be interpreted as prohibiting Farmers Home Administration from entering into additional agreements to refer delinquent borrowers to collection agencies. Therefore, no activity is expected on this initiative this year.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA26

57. RURAL RENTAL HOUSING POLICIES, PROCEDURES AND AUTHORIZATIONS

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None.

Abstract: The objectives are to address the following: (1) A congressional concern that the Agency is to provide prompt services for processing applications and loan management. Prompt services can be provided by utilizing the commercial services of technicians and specialists outside of the Agency, with the Agency providing oversight and monitoring. (2) An Administration's concern that the recipients of the specialized services

USDA—FmHA **Proposed Rule Stage**

provided through the loan process begin to pay for these services. With the exception of nonprofit applicants, each applicant will be charged a fee for the services provided. The rate of 1/2 percent of the loan amount will capture the major expenses for services and most of the contractual costs provided by the Agency. (3) An Agency need to reduce the impact of technical services on the District and State staff resources. The State Director has been given the authority to use qualified contractors from outside the Agency under the requirements and limitations of a service contract and FmHA Regulations. To use contractors an established contract monitoring system must be established in the State. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA28

58. ● REVISIONS OF PROCEDURE REGARDING PREPAYMENT OF MULTI-FAMILY HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1980; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1930-C; 7 CFR 1944; 7 CFR 1965; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None.

Abstract: The purpose of these regulation changes are to alleviate problems created for tenants when rural rental housing borrowers prepay their loans and remove the housing from the low and moderate-income market. This will be done by requiring one-year leases in all projects; transferring rental assistance to projects to which displaced tenants are moving for use of these tenants; extending the notification period to tenants who will be affected by prepayment and the period in which they can apply for a letter of priority. None of these changes will require legislative change or additional allocation of funds.

Timetable:

Action	Date	FR Cite
NPRM	03/06/87	
Final Action	05/30/87	
Final Action Effective	06/30/87	

Small Entity: No

Additional Information: One time only, as required, request to prepay or request for priority letters. Estimate less than 400 hours of public reporting burden involved with the proposed change.

Public Compliance Cost: Yearly Recurring Cost: $4,000; Base Year for Dollar Estimates: 1987

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S., Washington, DC 20250, 202 382-9744

RIN: 0575-AA30

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA) **Final Rule Stage**

59. RESTRICTING INSURED AND GUARANTEED FARM OWNERSHIP AND OPERATING LOANS WHEN SURPLUS ITEMS EXIST

Significance: Regulatory Program

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 1980

Legal Deadline: None.

Abstract: The Federal Government has had many different programs in an attempt to regulate the supply of agricultural commodities. The problem is to find a way to have an adequate supply of agricultural commodities without creating surpluses or shortages.

The Agency has changed its regulations to allow the Administrator of FmHA to restrict loans that will be used to increase the production of selected agricultural commodities - to be determined through objective criteria - when the United States Department of Agriculture is taking action to reduce production and/or has a program for supporting prices and/or has some other subsidy program for the selected agricultural commodity. This will save the applicant and the Agency the work, time, and the expense involved in processing applications for which a feasible plan of operation cannot be developed. The change in regulations will help eliminate the number of applications that have to be fully processed and then rejected. (FmHA 84-016)

Timetable:

Action	Date	FR Cite
NPRM	12/02/85	50 FR 49395
Interim Final Rule	06/19/86	51 FR 22272
Final Action	10/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA12

60. STRENGTHENING THE FMHA BUSINESS AND INDUSTRIAL GUARANTEED LOAN PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None.

Abstract: FmHA needs to fulfill the provisions of OMB Circular A-70 as they relate to FmHA's Business and Industrial (B&I) Guaranteed Loan program. There are weaknesses in the program's requirements for overall credit terms, evaluations, and servicing. Existing provisions of FmHA regulations must be modified or deleted to address the identified problems. The Agency proposes to rewrite and/or amend FmHA Instructions 1980-A and 1980-E in order to make administrative and public procedural changes for strengthening overall credit terms, evaluations, and servicing requirements of the FmHA B&I Guaranteed Loan program. (FmHA 85-002)

USDA—FmHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/17/86	51 FR 13008
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA17

61. REVISION OF CONSTRUCTION STANDARDS FOR FMHA FINANCED HOUSING

Significance: Regulatory Program

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Legal Deadline: None.

Abstract: FmHA will adopt an official standard within each FmHA State Office jurisdiction. The State's legally adopted code will be used if (1) it is based on one of the voluntary national model building codes, or (2) it is equivalent to those codes. If a State code is not used, FmHA State Directors will determine which of the model codes is most prevalent and appropriate for the area and adopt that as FmHA's code for the area. (FmHA 81-014)

Timetable:

Action	Date	FR Cite
NPRM	03/17/86	51 FR 9014
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA21

62. FMHA GUARANTEES OF COMMERCIAL LENDER'S FARM OWNERSHIP (FO) AND OPERATING LOANS (OL) WITH ACCOMPANYING LENDER PRINCIPAL WRITE DOWN AND/OR INTEREST RATE REDUCTION

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Legal Deadline: None.

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture. The proposed action amends the debt adjustment program regulations for guaranteed OL and FO loans to clarify the dollar value equivalency of an interest rate reduction used in lieu of a required 10 percent minimum write down of the total principal and interest outstanding on loan(s) which a lender wants guaranteed; to reduce the minimum positive cash flow requirement under the DAP from 110 percent to 100 percent and to permit lenders to use a combination write down of principal of indebtedness along with an interest rate reduction which would equal the value of an upfront write down of existing indebtedness of at least 10 percent. The intended effect of this action is to provide additional financial assistance to both lenders and their farm borrowers in a time of financial difficulty. (FmHA 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/85	50 FR 9987
Final Action	08/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA22

63. CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Legal Deadline: Statutory, March 31, 1986. For Interim Final Rule published 4/21/86.

Abstract: Most of the provisions of the Food Security Act of 1985 are mandated by the Act. The major effects will be to insure that the agency provides prompt service to applicants and borrowers, reduce the need and size of the emergency loan program, provide for additional ways that borrowers may continue farming, provide a home during the transition from farming to other employment, preserve the family farm, protect the national food supply, and provide for conservation of less productive land. (FmHA 86-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/86	51 FR 9174
Interim Final Rule	04/21/86	51 FR 13437
Final Action	09/00/87	
NPRM	00/00/00	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA23

64. BUILDING REQUIREMENTS AND DESIGN FEATURES EMPHASIZING COST CONTAINMENT

Legal Authority: 42 USC 1480(j)

CFR Citation: 7 CFR 1944

Legal Deadline: None.

Abstract: The objectives of the action would make the FmHA housing program available to a greater number of very low income persons and simultaneously reduce the overall cost of the program to the government. (FmHA 86-003)

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26256
Final Action	03/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575-AA24

65. GENERAL REVISION OF FARMER PROGRAM REGULATIONS

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1951; 7 CFR 1965; 7 CFR 1980

Legal Deadline: None.

USDA—FmHA **Final Rule Stage**

Abstract: The need for the action is to allow the Administrator more flexibility in management of Farmer Program loans, strengthen and clarify noted weaknesses in existing regulations, remove obsolete and unfunded regulations. (FmHA 86-012)

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1706
NPRM Comment Period End	02/17/87	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, 202 382-9744

RIN: 0575-AA27

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

66. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS FOR FINANCING MOBILE/MANUFACTURED HOMES AND RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATION

CFR Citation: 7 CFR 1924; 7 CFR 1944

Completed:

Reason	Date	FR Cite
Final Action	11/18/86	51 FR 41597
Final Action Effective	12/18/86	51 FR 41597

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA05

67. MOBILE/MANUFACTURED HOME RENTAL PROJECTS

CFR Citation: 7 CFR 1944

Completed:

Reason	Date	FR Cite
Final Action	11/18/86	51 FR 41597
Final Action Effective	12/18/86	

Small Entity: No

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575-AA08

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Proposed Rule Stage

68. WAIVER SIMPLIFICATION: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2014(b)

CFR Citation: 7 CFR 273; 7 CFR 273.21

Legal Deadline: None.

Abstract: This rule modifies Food Stamp regulations to reflect concerns raised about the effect of the numerous waiver requests by State agencies. In particular, Monthly Reporting and Retrospective Budgeting is reviewed to eliminate numerous waivers through incorporation of different or broader principles. (FNS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	07/30/87	
Final Action	01/30/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA02

69. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA09

70. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None.

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

USDA—FNS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	07/31/87	
Final Action	02/28/88	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA52

71. SIMPLIFIED APPLICATION AND STANDARDIZED BENEFITS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 2011 to 2027; 91 Stat 958

CFR Citation: 7 CFR 282.19

Legal Deadline: None.

Abstract: This rule addresses the simplified application and standardized benefit provisions contained in the Food Security Act of 1985. These provisions should result in reductions in administrative costs and, depending on the benefit standardization procedures used, significant reductions in error rates. (FNS 86-010)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA62

72. ADMINISTRATION/MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: Statutory, April 1, 1987.

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	09/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA63

73. QUALITY CONTROL SYSTEM: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Sec 1538 (99 Stat. 1354, 1587), as amended by; PL 99-260, Sec 12 (100 Stat. 45, 52)

CFR Citation: 7 CFR 275

Legal Deadline: Statutory, November 14, 1987.

Abstract: This rule will make any changes to the quality control (QC) system made necessary by the requirements in the Food Security Act of 1985. (FNS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA64

74. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN: FUNDING FORMULA

Significance: Agency Priority

Legal Authority: 42 USC 1786; PL 99-500, Sec 348; PL 99-591, Sec 348

CFR Citation: 7 CFR 246.2; 7 CFR 246.16(b); 7 CFR 246.16(d); 7 CFR 246.16(e)

Legal Deadline: None.

Abstract: This regulation would set forth, in greater detail than in the regulations currently in effect, the formula to be used by FNS in allocating WIC food funds to State agencies. The objective of this action is to provide for the allocation of these funds on a basis that encourages State agencies to actively target program services to those persons who would benefit most from the program intervention. Such a formula would be used to allocate funds for Fiscal Year 1988 and thereafter.

Under the formula currently in use, each State agency is guaranteed a level of food funds based on its prior year level adjusted for anticipated inflation. This is the formula's stability component. In addition, State agencies serving a lesser proportion of their income eligible populations receive additional funding based on certain demographic measurements; this component is called growth funding. The proposed formula would incorporate provisions designed to promote targeting of benefits.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	
Final Action Effective	10/01/87	
Final Action	12/15/87	

Small Entity: No

Agency Contact: Deborah McIntosh, Branch Chief, Program Analysis & Monitoring Branch, Supplemental Food Program Division, Department of Agriculture, Food and Nutrition Service, **202 756-3710**

RIN: 0584-AA69

75. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN: ADMINISTRATIVE FUNDING FORMULA

Significance: Agency Priority

USDA--FNS **Proposed Rule Stage**

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246.16

Legal Deadline: None.

Abstract: This regulatory action is needed in order to promote efficient and effective use of limited WIC Program administrative funds. It would set forth, in greater detail than in the regulations currently in effect, the formula to be used by FNS in allocating WIC administrative funds to State agencies. The objective of this action is to provide for the allocation of these funds on a basis that rewards State agencies for managing their grants of WIC administrative funds in an efficient and effective manner. Under the formula currently in use, each State agency's administrative grant is calculated as a percentage of its food grant, thus providing little incentive to seek cost savings in either category.

Timetable:

Action	Date	FR Cite
NPRM	05/31/87	
NPRM Comment Period End	08/31/87	
Final Action	11/30/87	

Small Entity: No

Agency Contact: Deborah McIntosh, Branch Chief, Program Analysis & Monitoring Branch, Supplemental Food Programs Division, Department of Agriculture, Food and Nutrition Service, 202 756-3710

RIN: 0584-AA70

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Food and Nutrition Service (FNS)

76. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276

Legal Deadline: None.

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/09/86	51 FR 12268
Final Action	06/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA05

77. FOOD DISTRIBUTION PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None.

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Final Action	06/30/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA07

78. REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2029(g)(2)

CFR Citation: 7 CFR 273.22

Legal Deadline: None.

Abstract: The rule addresses criteria for incentive reimbursement for optional workfare projects. (FNS 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/83	48 FR 1171
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA20

79. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None.

Abstract: This rule would define special eligibility and issuance procedures during declared disasters.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/87	
Final Action	02/28/88	

USDA—FNS **Final Rule Stage**

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA24

80. FORFEITURE PROCEDURES/BONDING: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2024(g)

CFR Citation: 7 CFR 278

Legal Deadline: None.

Abstract: This rule allows FNS to retain goods or money acquired during investigations of potential store violations. The rule will also permit disqualified stores seeking reauthorization to post letters of credit in lieu of collateral bonds. (FNS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	08/14/85	50 FR 32712

Next Action Undetermined

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA40

81. ADMINISTRATIVE REVIEW PROCESS AND QUALITY CONTROL ARBITRATION PROCEDURES: FOOD STAMP PROGRAM

Legal Authority: 7 USC 2023(a); 7 USC 2025(c),(d)

CFR Citation: 7 CFR 276.7

Legal Deadline: None.

Abstract: FNS is leaving administrative review process as is currently in regulations. FNS is maintaining a two-tier arbitration process and establishing timeframes for submission of requests and conduct of arbitration reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9821
Final Action	04/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA46

82. RETAILER/WHOLESALER PROVISIONS: FOOD STAMP PROGRAM

Legal Authority: PL 99-198; 7 USC 201 to 2027; 91 Stat. 958

CFR Citation: 7 CFR 278

Legal Deadline: None.

Abstract: This rule addresses the retailer/wholesaler provisions contained in the Food Security Act of 1985. These provisions are intended to reduce paperwork required of retail stores; improve compliance by retailers and wholesalers; and provide information to State agencies administering the WIC Program to improve the oversight of stores participating in that program. (FNS 86-014)

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43612
Final Action	04/30/87	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA67

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

83. REWRITE OF REGULATIONS ON DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE BENEFITS

CFR Citation: 7 CFR 245

Completed:

Reason	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA32

84. MANAGEMENT EVALUATIONS AND CORRECTIVE ACTION PLANS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 275

Completed:

Reason	Date	FR Cite
Final Action	02/04/87	52 FR 3402

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA37

85. REWRITE OF NATIONAL SCHOOL LUNCH PROGRAM REGULATIONS

CFR Citation: 7 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34864

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA43

86. PROPOSAL FOR A NATIONAL INVENTORY SYSTEM

CFR Citation: 7 CFR 252

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA60

USDA—FNS

Completed Actions

87. EMPLOYMENT AND TRAINING REQUIREMENTS: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 273.7; 7 CFR 273.22

Completed:

Reason	Date	FR Cite
Final Action	12/31/86	51 FR 47378
Final Action Effective	01/30/87	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA65

88. FOOD STAMP PROGRAM: THRIFTY FOOD PLAN

Significance: Agency Priority

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	10/08/86	51 FR 36043
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA68

DEPARTMENT OF AGRICULTURE (USDA)

Food Safety and Inspection Service (FSIS)

Prerule Stage

89. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 44 USC 3501 et seq; 5 USC 601 et seq; 7 CFR 1; EO 12291

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Legal Deadline: None.

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating States and territories and providing reimbursable services; scheduling of operations, and for overtime and holiday services.

Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	03/31/88	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA02

90. RED MEAT SLAUGHTER REGULATIONS

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Legal Deadline: None.

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Federal Meat Inspection Act (FMIA), 9 CFR 307, 309 through 314, and 316, to identify regulatory provisions that may be deleted or modified as a result of either technological advances or changes in meat inspection procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS 83-004)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	06/30/87	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA03

91. TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; EO 12291

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Legal Deadline: None.

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	12/01/86	
End Review	12/31/87	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Planning Office, Department of Agriculture, Food Safety and Inspection Service, Room 105, Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

92. SWINE IDENTIFICATION AT OFFICIAL SLAUGHTERING ESTABLISHMENTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310; 9 CFR 320

Legal Deadline: None.

Abstract: FSIS, possibly in conjunction with APHIS and/or other agencies, is proposing a swine identification program to provide a means for USDA and other public agencies to determine the origin of trichinae-infected or otherwise diseased swine, and of pork found to be contaminated with harmful chemical residues, and thereby permit the causes of such conditions to be found and recurrences to be prevented to the benefit of all concerned. (FSIS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas Berndt, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583-AA25

93. ● VARIOUS AMENDMENTS TO ACCOMMODATE INSPECTION OF MEAT FOOD PRODUCTS UNDER TITLE IV OF THE FUTURES TRADING ACT OF 1986

Significance: Regulatory Program

Legal Authority: PL 99-641, Title IV

CFR Citation: 9 CFR 301 to 335

Legal Deadline: None.

Abstract: In November, 1986, PL 99-641 amended the Federal Meat Inspection Act to permit the Department to vary the manner and frequency by which it conducts inspection in establishments producing meat food products. All existing inspection regulations are based upon and reflect the previous statutory requirement that Federal inspectors be continuously present in such establishments. FSIS must develop new inspection procedures to allocate inspection resources among such establishments based on a variety of factors, including (1) the nature and frequency of the processing operations, (2) the adequacy and reliablity of the processing control and sanitary procedures, and (3) the establishment's history of compliance with inspection requirements. The meat inspection procedures will touch upon virtually all existing meat regulations concerning inspection of meat food products. Details of these new procedures and the specific proposed regulatory amendments will be developed upon the conduct in 1987 of a pilot program to test alternative procedures in selected plants.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	12/30/87	
Final Action	03/30/88	

Small Entity: Undetermined

Agency Contact: Judith Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave, SW, Room 327-E, Administration Building, Washington, DC 20250, 202 447-6525

RIN: 0583-AA26

94. ● REQUIREMENTS FOR PARTIALLY RENDERED PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None.

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
ANPRM Comment Period End	01/21/86	
NPRM	06/01/87	
NPRM Comment Period End	08/01/87	

Small Entity: Undetermined

Agency Contact: Margaret O'K. Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583-AA27

95. ● CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None.

Abstract: Would permit an official meat or poultry establishment that has voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	
NPRM Comment Period End	06/03/87	
Final Action	07/03/87	

Small Entity: Undetermined

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401- Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583-AA28

96. ● VERIFICATION OF LABELING CLAIMS CONCERNING RAISING OF LIVESTOCK AND POULTRY

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 320; 9 CFR 323; 9 CFR 381

Legal Deadline: None.

USDA—FSIS **Proposed Rule Stage**

Abstract: Would create a voluntary program available to all establishments which would permit label claims concerning how an animal was raised to appear on meat and poultry products subject to USDA's ability to verify such claims.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
NPRM Comment Period End	07/01/87	
Final Action	11/01/87	

Small Entity: Undetermined

Agency Contact: Dr. W. R. Miller, Director, Residue Evaluation and Planning Division, Science, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583-AA29

97. ● DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None.

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	
Final Action	07/15/87	

Small Entity: Undetermined

Agency Contact: Margaret O'K Glavin, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583-AA30

98. ● SULFONAMIDES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None.

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	08/01/87	
NPRM Comment Period End	10/01/87	
Final Action	02/01/88	
Final Action Effective	03/01/88	

Small Entity: Undetermined

Agency Contact: R. E. Engel, Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, 202 447-2326

RIN: 0583-AA31

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

99. STANDARD FOR FRANKFURTERS AND SIMILAR COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 319

Legal Deadline: None.

Abstract: USDA has been petitioned by the American Meat Institute (AMI) "to promulgate a standard of identity and composition for 'lite' sausage." The current cooked sausage standard includes various processed meat food products, such as frankfurters, hot dogs, weiners, viennas, bolognas, and knockwurst. The AMI petition requests a new standard for lower-fat "lite" sausage that would require not more than 22.5 percent fat and not less than 11.5 percent protein, as compared with 30 percent fat and 10 percent added water maximums in the existing cooked-sausage standard. FSIS proposed rule provides additional flexibility to enable industry to market lower fat products. The rule allows a combination of up to 40 percent added water and fat, with a 30 percent ceiling on fat content. The Agency also seeks comment on the option of deleting entirely the standard for cooked sausages. (FSIS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42239
NPRM Comment Period End	03/23/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Margaret O'K. Glavin, Director, Department of Agriculture, Food Safety and Inspection Service, Standards and Labeling Division, MPITS, Washington, DC 20250, 202 447-6042

RIN: 0583-AA21

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

100. A REVIEW OF RECORDKEEPING AND REPORTING REQUIREMENT REGULATIONS UNDER THE FEDERAL MEAT INSPECTION ACT AND THE POULTRY PRODUCTS INSPECTION ACT

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart Q

Completed:

Reason	Date	FR Cite
End Review	11/12/86	

Small Entity: No

Agency Contact: G. E. McEvoy 202 447-3317

RIN: 0583-AA00

101. LABELING FOR MEAT AND POULTRY PRODUCTS WITH CHEESE SUBSTITUTES, REVISED PIZZA STANDARD

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: Yes

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA07

102. CANNING OF MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	12/19/86	51 FR 45602
Final Action Effective	06/19/87	

Small Entity: No

Agency Contact: Bill Dennis 202 447-3840

RIN: 0583-AA08

103. DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION: COOKED POULTRY SAUSAGE

Significance: Regulatory Program

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA10

104. BARBECUE STANDARD

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA12

105. REQUIREMENTS FOR MECHANICALLY SEPARATED (KIND) POULTRY PRODUCT AND PRODUCTS IN WHICH IT IS USED

Significance: Regulatory Program

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: No

Agency Contact: Loren Lange 202 447-7803

RIN: 0583-AA15

106. EXPANSION OF OPERATING SCHEDULES FOR TOTAL QUALITY CONTROL ESTABLISHMENTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	09/11/86	51 FR 32301
Final Action Effective	10/14/86	

Small Entity: No

Agency Contact: Bill Dennis 202 447-7803

RIN: 0583-AA16

107. REGULATIONS CONCERNING THE IRRADIATION OF PORK FOR TRICHINA CONTROL

Significance: Regulatory Program

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Final Action Confirmation of final rule; response to comments	12/05/86	51 FR 43872
Final Action Effective	01/15/87	

Small Entity: No

Agency Contact: Margaret O'K. Glavin 202 447-6042

RIN: 0583-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

108. AMEND 7 CFR 1493 TO PROVIDE FOR INTERMEDIATE CREDIT GUARANTEES WHICH WILL GIVE U.S. EXPORTERS OR U.S. BANKS PROTECTION IN THE EVENT FOREIGN BANKS FAIL TO MAKE PAYMENT

Legal Authority: Food for Peace Act of 1966, as amended

CFR Citation: 7 CFR 1493

Legal Deadline: None.

Abstract: The objective of this action is to expand on a long term basis, sales and exports of U.S. agricultural commodities without displacing normal commercial sales; otherwise improve the capability of the importing country to purchase and use, on a long term basis, U.S. Agricultural commodities. This action would also amend 7 CFR 1493 to allow for the interest coverage to be adjusted during the foreign bank's repayment period but such coverage would not exceed the 52-week Treasury bill auction average. (FAS 86-002)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA19

109. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1988

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None.

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1987 - September 30, 1988. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA20

110. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1987

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Statutory. Import quotas on sugar for fiscal year 1987 must be announced (filed in Federal Register) no later than the 15th day of the month immediately preceding the calendar quarter during which such determination shall be in effect

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA21

111. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: for future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amends the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551-AA23

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Final Rule Stage

112. DAIRY EXPORT INCENTIVE PROGRAM

Legal Authority: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Sec. 153(a) of the Food Security Act of 1985 (ACT) provides that during the period beginning 60 days after the date of enactment of the Act and ending on September 30, 1989, the Commodity Credit Corporation (CCC) shall establish and operate an export incentive program for dairy products under Sec. 5 of the CCC Charter Act. The Food Security Act of 1985 requires that the Secretary of

USDA—FAS **Final Rule Stage**

Agriculture in each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988 sell for export not less than 150,000 metric tons of dairy products owned by the CCC. Of this amount, not less than 100,000 metric tons shall be butter and not less than 20,000 metric tons shall be cheese. CCC will issue an announcement containing the terms and conditions of the program; an invitation for competitive bids specifying the eligible dairy products that may be sold to a foreign buyer and eligible destinations; and information on CCC-owned commodities which will be made available under the program as a bonus. (FAS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	51 FR 7300
Final Action	00/00/00	

Small Entity: No

Agency Contact: Richard Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, **202 447-6713**

RIN: 0551-AA22

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Forest Service (FS)

113. ● CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS ON THE COPPER/RIVER ADDITION AND COPPER RIVER-BERING RIVER PORTION, CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into Law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemental by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	
Final Action	01/01/88	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, **202 235-1488**

RIN: 0596-AA41

114. ● PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None.

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	01/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, **202 235-1488**

RIN: 0596-AA50

115. ● APPEAL OF DECISIONS OF FOREST OFFICERS

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended sec 1; 16 USC 551cc, 472, 33 Stat 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None.

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. The regulation is being reviewed as required by EO 12291. The Forest Service recognizes the administrative appeal process as useful and worthwhile, and considers it to be a valuable tool in conducting business. However, there are opportunities to make the process more efficient and less burdensome on the public while maintaining a useful forum within which to administratively resolve conflict.

Timetable:

Action	Date	FR Cite
Begin Review	03/10/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 **235-1488**

RIN: 0596-AA51

116. ● OFFICIAL FOREST SERVICE INSIGNIA

Legal Authority: 5 USC 301; 18 USC 701

CFR Citation: 36 CFR 264; 36 CFR 264.1; 36 CFR 264.2; 36 CFR 264.3; 36 CFR 264.4; 36 CFR 264.5

Legal Deadline: None.

Abstract: Since 1905 the Forest Service emblem, a fir-like tree in the center of a shield has served to identify the Federal Agency responsible for protecting, managing, and developing the National Forests. Forest users and the public recognize it as a symbol of the organization. The Chief may

USDA—FS

Prerule Stage

authorize other uses of the insignia, i.e., public service, educational, and commercial purposes through the issuance of licenses. Rules governing the external use of the official insignia are set forth at 36 CFR Part 264. The rule authorizes commercial use for which a royalty is paid and for public use for which no royalty is paid. Review of the existing regulation will determine the need for licensed royalty payment and the need for changing reporting requirements from quarterly to annually. Current licensees will participate in the review process.

Timetable:

Action	Date	FR Cite
Begin Review	04/15/87	
End Review	03/31/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA59

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Proposed Rule Stage

117. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Legal Deadline: None.

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Review of this rule has been completed and reveals a need to update the rule to comply with legislative changes enacted since promulgation of this rule, and to streamline administrative entry into the watershed, and permit recreation access to a certain portion of the watershed without written authorization. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	04/21/86	51 FR 13835
End Review	08/01/86	
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	10/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA23

118. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None.

Abstract: Objective is to establish that the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	
NPRM Comment Period End	07/15/87	
Final Action	12/31/87	
Final Action Effective	12/31/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA24

119. INGRESS TO AND EGRESS FROM NATIONAL FOREST SYSTEM LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None.

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	11/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA31

120. PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 49; 36 CFR 50; 36 CFR 51

Legal Deadline: None.

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make periodic payments on timber sales. As established by the act, the objective of periodic payments is to discourage speculative bidding on National Forest timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a periodic payment. However, to fully comply with the act, additional rules are required. This rule will be based on an evaluation of the effects of requiring annual payments, on consideration of procedures that would permit the pooling of payments, and on consideration of market-related contract

adjustments. There are no alternatives to issuing this rule; it is required by the Federal Timber Sale Contract Payment Modification Act. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	08/01/87	
NPRM Comment Period End	10/15/87	
Final Action	02/01/88	
Final Action Effective	04/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA33

121. USE RESTRICTIONS OF NATIONAL FOREST LANDS FOR THE PROTECTION OF MUNICIPAL WATER SUPPLIES

Legal Authority: 16 USC 475; 16 USC 552; 16 USC 551; 16 USC 1600 to 1610; 16 USC 1701

CFR Citation: 36 CFR 251.9

Legal Deadline: None.

Abstract: This action amends the regulation providing protection of municipal watersheds to conform to recent legislation, principally the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLMPA). (FS 86-003)

Timetable:

Action	Date	FR Cite
End Review	08/01/86	
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	10/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA34

122. RANGE MANAGEMENT - GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011; 31 USC 9701

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Legal Deadline: None.

Abstract: Minor amendments to 36 CFR 222, Subparts A and B are under consideration to (1) delete the portion pertaining to Grazing Advisory Boards since the authority for these Boards under FLMA expired 12/31/85, (2) refine the procedures for placing wild horses and burros in private maintenance and care, (3) clarify the notification allowed before cancelling a permit when lands grazed are to be devoted to another public purpose including disposal, and (4) delete the reference to the Granger-Thye Act concerning range improvements, and (5) authorize the Chief of the Forest Service to assess a service charge to recover the cost of processing grazing permit applications and permit waivers, and issuing grazing permits. (FS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA35

123. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 (Mineral Leasing Act)

CFR Citation: 36 CFR 251.58

Legal Deadline: None.

Abstract: The objective of the rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. In addition, the rulemaking will propose minor clarifying amendments resulting from conclusion of review of the existing regulation. (RIN 0596-AA20) (FS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Final Action	11/01/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: This rulemaking will incorporate actions under 0596-AA20.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA36

124. CONTROL OF SKEWED BIDDING ON NATIONAL FOREST TIMBER SALES

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.89

Legal Deadline: None.

Abstract: Timber may not be sold at less than appraised value. Skewed bidding enables bidders to tailor their bids to their competitive strengths. While skewed bidding can be advantageous to purchasers, it can also reduce Government receipts and increase Forest Service timber sale administration costs. These results were documented by the General Accounting Office (GAO/RCED-83-37). This proposal is made in partial response to the recommendations in that review. (FS 86-006)

Timetable:

Action	Date	FR Cite
NPRM	07/01/83	48 FR 30417
NPRM	07/16/84	49 FR 28748
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/01/87	

USDA—FS **Proposed Rule Stage**

Action	Date	FR Cite
Final Action Effective	10/01/87	

Small Entity: No

Additional Information: Note: The dates projected for proposed policy publication are not firm. This document has been under OMB Regulatory Review, with no clearance yet received, since September 29, 1986.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA37

125. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None.

Abstract: The objective of this action is to permit forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/31/87	
Final Action	11/30/87	
Final Action Effective	11/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, PO Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA38

126. REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None.

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA39

127. ● LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716

CFR Citation: 36 CFR 254.1, (Revision); 36 CFR 254.15, (Revision)

Legal Deadline: None.

Abstract: Changes in existing regulations are needed to correct errors, delete obsolete portions, update to reflect current authorities, clarify ambiguities, and supplement by incorporating new requirements on negotiation and resolution of disputes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA42

128. ● DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Section 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Section 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	

Action	Date	FR Cite
Final Action	06/01/88	
Final Action Effective	07/01/88	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA44

129. ● TIMBER SALE CONTRACT FORM REVISION AND PUBLISHING OF POLICY FORMS FS-2400-6 AND 2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 551; 16 USC 492; 16 USC 607; 16 USC 607A

CFR Citation: 36 CFR 223

Legal Deadline: None.

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA45

130. ● LEASABLE MINERAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 43 CFR 228, Subpart B

Legal Deadline: None.

Abstract: This subpart will set forth the rules by which the Forest Service will process and respond to proposal received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which has resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA46

131. ● APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None.

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service and its special-use authorization in permitting hydroelectric uses on National Forest System lands. The regulations objective will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

Title V, Section 501 of the Federal Land Policy and Management Act of 1976 (FLPMA) requires that fees be paid for the use of NFS land; regulations have not yet been established to put these fees in effect. The objective is to establish a fee system for hydroelectric uses. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule would take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	
NPRM Comment Period End	02/29/88	
Final Action	06/30/88	
Final Action Effective	07/30/88	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA47

132. ● LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None.

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	
NPRM Comment Period End	02/01/88	
Final Action	08/01/88	
Final Action Effective	09/01/88	

USDA—FS

Proposed Rule Stage

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA49

133. ● INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System Lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
Final Action	12/31/87	
Final Action Effective	01/30/88	

Small Entity: No

Affected Sectors: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA52

134. ● RECREATION RESIDENCE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 473; 16 USC 497; 43 USC 1761; 31 USC 9701

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The objective is to revise policies and procedures for administering special-use permits that authorize privately-owned recreation residences on National Forest System lands, including establishment of fees for recreation residences. The intended effect is to help resolve the longstanding controversy and permittee concerns over recreation residence fees and to gradually reduce Agency costs of administering recreation residence permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21775
NPRM	01/02/87	52 FR 206
NPRM Comment Period End	04/02/87	
Final Action	07/01/87	
Final Action Effective	07/31/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA53

135. ● CREATE A NEW SUBPART C TO 36 CFR 264 ENTITLED NATIONAL SCENIC AND HISTORIC TRAIL SYMBOLS

Legal Authority: 5 USC 301

CFR Citation: 36 CFR 264

Legal Deadline: None.

Abstract: Objectives of this action are:

1. To establish a procedure for establishing official trail symbols for designated National Scenic and Historic Trails administered by the Forest Service.

2. To prescribe the conditions and terms for use of the symbols, including commercial use.

3. To establish the authorities to prosecute and revoke unauthorized use, and

4. To establish official symbols for several of the existing National Scenic and Historic Trails as required by law.

Two alternatives were evaluated--To protect these symbols and to not protect them. Protection was deemed to be in the best interest of the National Trails Program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA54

136. ● GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53

Legal Deadline: None.

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost of livestock production/ability to pay methodology which currently results in below market fees. Two alternatives are being considered. The first would continue the two different fee systems in the eastern U.S. The second alternative would implement a uniform market driven fee system in both Regions. The advantages of this alternative over the first are:

(1) Competitive bidding with a minimum bid price would be fair and equitable to all parties, the livestock owners and the government.

(2) The fee system would be cost effective and economic to administer.

(3) The fee system would provide for investments in cost effective range improvements on National Forest System lands in the eastern states.

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	
NPRM Comment Period End	04/00/88	
Final Action	12/00/88	
Final Action Effective	03/01/89	

Small Entity: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA55

137. ● SKI AREA TERM PERMITS

Significance: Agency Priority

Legal Authority: PL 99-522, Sec 3(c)

CFR Citation: 36 CFR 251.50, (Revision)

Legal Deadline: Statutory, October 22, 1987. A one-year deadline is specified in the law.

Abstract: P.L. 99-522 provides new authority and direction for granting permits authorizing ski development and operation. It requires promulgation of rules within one year of enactment. Current direction for issuing special use permits including ski areas is contained in 36 CFR 251.50 through 251.64. While most of the current direction will continue to apply, revisions will be necessary to respond to the special provisions of the law relating to permit duration and acreage to be authorized.

The law has the effect of eliminating the current need and practice to issue two permits to authorize a single resort to use more than 80 acres. Further, it authorizes the issuance of 40 year permits instead of 30 which has been the maximum in the past.

Timetable:

Action	Date	FR Cite
NPRM	05/25/87	
NPRM Comment Period End	07/25/87	
Final Action	10/20/87	
Final Action Effective	10/20/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA57

DEPARTMENT OF AGRICULTURE (USDA) Final Rule Stage

Forest Service (FS)

138. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None.

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Final Rule	07/11/84	49 FR 28241
NPRM Part III	01/23/86	51 FR 3158
Final Action	11/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 703 235-1488

RIN: 0596-AA09

139. ● SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. The proposed final policy is consistent with the current standards and establishes procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
ANPRM	11/21/84	49 FR 45889
ANPRM Comment Period End	11/21/84	49 FR 45889
Final Action	06/13/85	50 FR 24788
Final Action Effective	09/01/85	50 FR 24788
Revised Final Policy	09/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA43

140. ● PROHIBITIONS; POSSESSION AND STORAGE OF FOOD AND REFUSE IN CERTAIN NATIONAL FOREST AREAS

Legal Authority: 16 USC 472; 7 USC 1011(f); 16 USC 1246(i); 16 USC 1133(c) to 1133(d)

CFR Citation: 36 CFR 261

Legal Deadline: None.

Abstract: Conflicts between National Forest users and bears, particularly the grizzly bear which is a threatened species, are occurring because of improper possession and storage of food or other materials that attract the bears. As the grizzly emerges from hibernation in March, it is critical that on-the-ground Forest officers have regulatory authority to require proper storage of food and refuse and to prohibit their possession and storage where grizzly-human conflicts are likely to result. The final rule will amend 36 CFR 261 to permit Forest officers to issue appropriate orders regulating possession, storage, and transport of materials that attract the bears. An interim final rule establishing these controls was published on April 17, 1986 and has proved effective. Without

the amendment, unacceptable risk to the public and to the government's efforts to recover the grizzly bear population will continue. For this reason, the alternative of "no action" is unacceptable. No other alternatives to achieve the objective have been identified.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/17/86	51 FR 12991
Final Action	06/01/87	

Small Entity: Yes

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA48

141. ● PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None.

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences draft "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	05/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA56

142. ● APPEAL OF DECISIONS OF FOREST OFFICERS; REVISION OF STAY PROCEDURES

Significance: Agency Priority

Legal Authority: 30 Stat 35 as amended sec 1; 16 USC 551, 472 33 Stat 628

CFR Citation: 36 CFR 211.18

Legal Deadline: None.

Abstract: Forest Service rules at 36 CFR 211.18 establish the process and procedures by which the public may appeal a National Forest System management decision. This rule revises those procedures to clarify procedures for acquiring information helpful to Reviewing Officers in making stay decisions; to give Reviewing Officers flexibility on making stay decisions; to provide criteria in ruling on stay decisions; and to lengthen the time allowed to make stay decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/19/86	51 FR 223
Final Action	03/01/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA58

143. ● NON-COMPETITIVE DISPOSAL OF MINERAL MATERIALS

Legal Authority: 30 USC 601 et seq; 30 USC 603 to 604; 30 USC 601; 30 USC 603; 30 USC 602; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c, Sec 3; 16 USC 508b; Section 3, 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None.

Abstract: Existing regulations allow noncompetitive sale of mineral materials not in excess of 100,000 cubic yards in any individual sale or 200,000 cubic yards in any one State for the benefit of any entity in any period of twelve consecutive calendar months. The proposal would give the Forest Service flexibility in meeting requests for noncompetitive sales of large amounts of mineral materials when public property, health, and safety are threatened or when competition is impractical. The proposal is similar to rules governing mineral material sales by the Bureau of Land Management. Interim rulemaking is sought to resolve a situation in California where the volume restriction for noncompetitive sales may interfere with a mining claimant's statutory rights regarding locatable minerals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/87	
Final Action	07/01/87	
Begin Review	07/01/87	

Small Entity: Yes

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20013-6090, 202 235-1488

RIN: 0596-AA60

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Completed Actions

144. RANGE MANAGEMENT-GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD-FREE-ROAMING HORSES AND BURROS

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Completed:

Reason	Date	FR Cite
End Review New rulemaking will occur. See 0596-AA35	12/01/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA14

145. SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS

CFR Citation: 36 CFR 251, Subpart B

Completed:

Reason	Date	FR Cite
End Review	10/15/86	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA20

146. YOUNG ADULT CONSERVATION CORPS

CFR Citation: 36 CFR 215

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	51 FR 10086

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA26

147. EXPERIMENTAL AREAS AND RESEARCH NATURAL AREAS

CFR Citation: 36 CFR 251.23

Completed:

Reason	Date	FR Cite
End Review	09/18/86	51 FR 33040

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA30

148. YOUTH CONSERVATION CORPS

CFR Citation: 36 CFR 214

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	52 FR 10086

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA32

149. FEE POLICY FOR LINEAR RIGHTS-OF-WAY

Significance: Regulatory Program

CFR Citation: 36 CFR 251.51

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 44014
Final Action Effective	01/04/87	51 FR 44014

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA40

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Completed Actions

150. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS

CFR Citation: 7 CFR 3015

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: No

Agency Contact: Gerald Miske 202 382-1553

RIN: 0505-AA01

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Proposed Rule Stage

151. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None.

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA12

152. ● PROCEDURES FOR THE PROTECTION OF ARCHEOLOGICAL AND HISTORICAL PROPERTIES ENCOUNTERED IN SCS-ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 16 USC 470f; 16 USC 469

CFR Citation: 7 CFR 656

Legal Deadline: None.

Abstract: The regulations address legal requirements set forth by the Advisory Council on Historic Preservation

USDA—SCS **Proposed Rule Stage**

regulations, Protection of Historic Properties (36 CRF 800). The action is to remove and reserve six sections from the regulation to be more consistent with revised 36 CFR 800 and reduce requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578-AA13

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Final Rule Stage

153. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1986; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None.

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with state agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	12/31/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA00

154. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec. 8; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None.

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA01

155. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a to f); 42 USC 4321 et seq; PL 95-87

CFR Citation: 7 CFR 657.1 to 657.5

Legal Deadline: None.

Abstract: Prescribes SCS policy on the development and maintenance of an inventory of prime and unique farmland of the Nation including the criteria and characteristics used in the identification of such lands. (SCS 83-007)

Timetable:

Action	Date	FR Cite
End Review	02/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA10

156. ● FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: Statutory. 180 days after enactment of Food Security Act of 1985

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, Pub. L. 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578-AA14

[FR Doc. 87-6601 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VIII, IX; Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I, IV

48 CFR Ch. 13

50 CFR Chs. I, II, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: April 1987 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the October 1986 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's April 1987 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1987 through March 31, 1988.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3151.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The E.O. requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 87-6, issued December 4, 1986 establishes guidelines and procedures for the preparation and publication of the April 1987 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: the title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law or Executive Order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the Economic Development Administration, the International Trade Administration, National Bureau of Standards, and the Patent and Trademark Office issue the greatest share of the Department's regulations, while other operating units such as the United States Travel and Tourism Administration and the Minority Business Development Agency currently have no regulations in the agenda.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards (NBS) under Pub. L. 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. These FMPs regulate domestic and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishing management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs, or amendments to FMPs, for fisheries within their respective areas. In the

DOC

development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC April 1987 regulatory agenda follows.

DATED: March 2, 1987.

Douglas A. Riggs,

General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
157	Public Information, Freedom of Information (Fees)	0690-AA04
158	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
159	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
160	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
161	Use of Penalty Mail to Assist in the Location and Recovery of Missing Children	0690-AA10
162	Contract Clauses and Solicitation Provisions for Ship Construction, Ship Alteration, and Ship Repair Contracts	0690-AA12

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
163	BE-20, Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons	0691-AA03
164	Benchmark Survey of Foreign Direct Investment in the United States - 1987	0691-AA08
165	Revisions in Reporting Requirements for Surveys of U.S. Trade in Services with Foreign Persons	0691-AA09
166	Implementation of Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons	0691-AA10
167	Rule to Change Reporting Criteria for Minority-Owned Foreign Affiliates on Form BE-11C of the Annual Survey of U.S. Direct Investment Abroad	0691-AA11

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
168	Increase in Exemption Levels for Four Direct Investment Surveys Conducted by BEA -- Quarterly Report Forms BE-605 and 606B and Annual Report Forms BE-133B and 133C	0691-AA07

DOC

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
169	Shipper's Export Declaration-Foreign Trade Statistics	0607-AA09

Economic Development Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
170	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
171	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
172	Economic Development Administration: Property Management Standards	0610-AA07
173	Property Management Standards - Mortgages	0610-AA12
174	General Requirements for Financial Assistance -- Flood Insurance Program; and Environmental Requirements	0610-AA16
175	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
176	Designation of Areas; Overall Economic Development Program; Public Works and Development Facilities Program	0610-AA19
177	Designation of Areas; Designation of PWIP Areas	0610-AA21
178	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
179	General Requirements for Financial Assistance; Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA23
180	Notice of Availability of Funds - University Centers Program	0610-AA29
181	Civil Rights - Age Discrimination	0610-AA30
182	General Requirements for Financial Assistance-Nonrelocation	0610-AA32
183	General Requirements for Financial Assistance - Project Modification	0610-AA33
184	General Requirements for Financial Assistance - Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA34
185	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
186	Liability for Toxic Wastes Associated with EDA Loans and Loan Guarantees	0610-AA36

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
187	General Requirements for Financial Assistance - Nonrelocation	0610-AA20

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
188	Nonprocurement Debarment and Suspension	0605-AA02

DOC

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
189	Administrative Offsets for Debts Owed the Department of Commerce	0605-AA00

International Trade Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
190	Antidumping and Countervailing Duties; Modifications	0625-AA26

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
191	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
192	Effect of Imported Articles on the National Security	0625-AA15
193	Revisions to Short Supply Regulations	0625-AA21
194	Sanctions for Violation of Antidumping and Countervailing Duty Protective Orders	0625-AA24
195	Annual Watch Quota Allocations	0625-AA25

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
196	Adjustment Assistance for Firms and Industries	0625-AA05
197	Antidumping Duties; Countervailing Duties	0625-AA08
198	Antidumping and Countervailing duties - de minimis	0625-AA23

National Bureau of Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
199	FIPS for Session Protocol Standard	0693-AA12
200	FIPS for Message Transfer Protocol	0693-AA17
201	FIPS for Internetwork Protocol	0693-AA40
202	FIPS for Codes for the Identification of Aquifer Names and Geologic Units	0693-AA44
203	Revision to FIPS 29-1, Interpretation Procedures for Federal Information Processing Standard Programming Languages	0693-AA47
204	FIPS for Standard Generalized Markup Language (SGML)	0693-AA50
205	FIPS for Recorded Magnetic Tape Cartridge for Information Interchange; 4-Track, Serial, 0.250 in (6.30 mm), 6400 bpi (252 bpmm) Inverted Modified Frequency Modulation Encoded	0693-AA51
206	FIPS for Serial Recorded Magnetic Tape Cartridge for Information Interchange; Four and Five Track, 0.250 in (6.30 mm) 8000 bpi (315 bpmm) Streaming Mode Group Code Recording	0693-AA52
207	FIPS for One-Half Inch Magnetic Tape Interchange Using a Self Loading Cartridge	0693-AA53
208	FIPS for Recorded Formats for One and Two-Sided 5.25 Inch (130 mm) and 3.5 in (90 mm) Flexible Disk Cartridges	0693-AA54
209	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
210	FIPS for Device Level Interface for Streaming Cartridge and Cassette Tape Drives	0693-AA57
211	FIPS for Interfaces Between Flexible Disk Cartridge Drives and Their Host Controllers	0693-AA58
212	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
213	Review of FIPS 46, Data Encryption Standard	0693-AA60

DOC

National Bureau of Standards—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
214	FIPS for Government Open Systems Interconnection Procurement (GOSIP)	0693-AA61

National Bureau of Standards—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
215	FIPS for Transport Protocol	0693-AA06
216	FIPS for Database Language SQL	0693-AA32
217	FIPS for Optical Character Recognition (OCR) Dot Matrix Character Sets for OCR-MA	0693-AA33
218	FIPS for Database Language NDL	0693-AA34
219	FIPS for Basic Programming Language	0693-AA35
220	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
221	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
222	FIPS for Small Computer System Interface	0693-AA41
223	FIPS for Intelligent Peripheral Interface	0693-AA42
224	FIPS for Computer Graphics Metafile	0693-AA45
225	FIPS for C Programming Language	0693-AA48
226	FIPS for Unix* Operating System Derived Environments	0693-AA49
227	Revision to FIPS 5-1, Codes for the Identification of the States, the District of Columbia, and the Outlying Areas of the United States	0693-AA56

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
228	FIPS 70-1, Representation of Geographic Point Locations for Information Interchange	0693-AA13
229	FIPS 125, MUMPS	0693-AA36
230	FIPS 123, Specification for a Data Descriptive File for Information Interchange (DDF)	0693-AA37

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
231	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom ETC	0648-AA46
232	Marine Fishery User Fees	0648-AB93
233	Performance Standards for Tuna Skippers	0648-AC07
234	Taking of Marine Mammals Incidental to Underwater Tests by the Department of the Navy	0648-AC08

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
235	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
236	Regional Fishery Management Councils	0648-AB09
237	Foreign Fishing - Scientific Research	0648-AB23
238	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
239	Atlantic Billfish and Sharks Fishery - Foreign Fishing Regulations	0648-AB33

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
240	Amendment for Alaska Groundfish and High Seas Salmon Fishery Management Plans - Close FCZ Intrusion into State Waters	0648-AB41
241	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
242	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
243	Implementation of Fishery Management Recommendations	0648-AB57
244	Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic - Amendment 1	0648-AB74
245	Amendment No. 4 to the Fishery Management Plan for the Spiny Lobster Fisheries of the Western Pacific Region	0648-AB81
246	Amendment 2 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB83
247	Sea Turtle Conservation; Shrimp Trawl Requirements	0648-AB86
248	Resubmitted Portion of Amendment 1 to the American Lobster Fishery Management Plan	0648-AB89
249	Secretarial Amendment of the Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska	0648-AB90
250	Amendment 1 to the Red Drum Fishery Management Plan for the Gulf of Mexico	0648-AB91
251	Amendment 1 to the Swordfish FMP	0648-AB92
252	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
253	Amendment 2 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AB95
254	Groundfish of the Bering Sea and Aleutian Islands - Amendment 11	0648-AB96
255	Amendment 2 to the American Lobster Fishery Management Plan	0648-AB97
256	Groundfish of the Gulf of Alaska - Amendment 16	0648-AB98
257	Amendment 8 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AB99
258	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
259	Foreign Fishing Poundage and Permit Fees, 1988	0648-AC01
260	Northeast Multispecies Fishery Management Plan	0648-AC04
261	Labeling Requirements for Frozen Fish Blocks and Products Therefrom	0648-AC06
262	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
263	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
264	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
265	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
266	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68
267	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
268	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
269	Proposed Regulations for the Point Reyes-Farallon Islands National Marine Sanctuary	0648-AC05

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
270	Civil Procedures	0648-AA26
271	U.S. General Standards for Grades of Shrimp	0648-AA47
272	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
273	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
274	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB40
275	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
276	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Technical Amendment	0648-AB51
277	Fishery Management Plan for Pacific Billfish Fisheries of the Western Pacific Region	0648-AB61
278	Regulations Governing the Harassment of Humpback Whales	0648-AB79
279	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
280	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
281	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
282	U.S. General Standards for Grades of Fish Fillets	0648-AA45
283	Amendment 10 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB38

DOC

National Oceanic and Atmospheric Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
284	Foreign Permit Conditions and Restrictions	0648-AB67
285	Foreign Fishing Poundage and Permit Fees, 1987	0648-AB69
286	Fishery Resources of Puerto Rico and the Virgin Islands	0648-AB71
287	Amendment 7 to the Plan Managing the Commercial and Recreational Ocean Salmon Fisheries off the Coasts of Washington, Oregon and California	0648-AB73
288	Amendment 1 to the Reef Fish Fishery of the Gulf of Mexico Fishery Management Plan	0648-AB75
289	Amendment 15 to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB76
290	Amendment No. 2 for the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery	0648-AB77
291	Taking of Marine Mammals Incidental to On-Ice Seismic Activities	0648-AB78
292	Amendment No. 1 to the Fishery Management Plan for the Bottomfish/Seamount Groundfish Fisheries of the Western Pacific Region	0648-AB80
293	Secretarial Fishery Management Plan for the Drum Fishery of the Gulf of Mexico	0648-AB82
294	Amendment 10 to the Fishery Management Plan for the Groundfish Fisheries of the Bering Sea and Aleutian Islands Area	0648-AB84
295	Secretarial Amendment to the Fishery Management Plan for Atlantic Sea Scallops	0648-AB85

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
296	Public Telecommunications Facilities Program: Report and Order (Final Rules), Funding Priorities and Policy Statement	0660-AA01

Office of Productivity, Technology and Innovation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
297	Licensing of Government-Owned Inventions	0692-AA04

Office of Productivity, Technology and Innovation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
298	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
299	Term of Deposit of Microorganism	0651-AA13

DOC

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
300	Requests for Identifiable Records	0651-AA04
301	Variety Naming Requirements for Plant Patent Applications	0651-AA12
302	Trademark Applications	0651-AA23
303	Miscellaneous Amendments of Patent Rules	0651-AA25
304	Unity of Invention and Patent Cooperation Treaty, Chapter II	0651-AA26
305	Duty of Disclosure - Information Disclosure Statement	0651-AA27

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
306	Trademark Automated Search System Fees	0651-AA18
307	Arbitration of Patent Interference Cases	0651-AA20
308	Rules for Extension of Patent Term	0651-AA22

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
309	Miscellaneous Amendments of Trademark Rules	0651-AA16
310	Trademark Applications	0651-AA17
311	Unity of Invention - International Applications	0651-AA28

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

157. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Legal Deadline: Statutory, April 25, 1987.

Abstract: The revised regulation would implement the amended fee provisions of the Freedom of Information Act (FOIA), P.L. 99-570. The amended FOIA, which was signed into law on October 27, 1986, requires a Government-wide uniform system for charging requests under the FOIA. The law specifies that agencies promulgate implementing regulations by April 25, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Office of Management and Organization, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-3271

RIN: 0690-AA04

158. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Department wide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

DOC—OS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA08

159. ● SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department Contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA13

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Final Rule Stage

160. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Legal Deadline: None.

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	49 FR 45861
Final Action	05/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690-AA06

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

161. USE OF PENALTY MAIL TO ASSIST IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

Legal Authority: 39 USC 3220(a)(2); EO 12549 February 21, 1986

CFR Citation: 15 CFR 23

Legal Deadline: Statutory, February 5, 1985.

Abstract: Section (a) (2) of Public Law 99-87 authorizes and requires each executive department and independent establishment of the Government of the United States to prescribe regulations under which penalty mail may be used to assist in the location and recovery of missing children. These regulations are required to be in conformance with guidelines issued by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention located at 50 FR 46622, November 8, 1985.

Timetable:

Action	Date	FR Cite
Final Action	01/23/87	51 FR 46613

Small Entity: No

Agency Contact: Mary DiGiulian, Director, Office of Administrative Services Management, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-0884

RIN: 0690-AA10

162. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR SHIP CONSTRUCTION, SHIP ALTERATION, AND SHIP REPAIR CONTRACTS

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None.

Abstract: The Department of Commerce is currently reviewing Department-wide standardized contract clauses and solicitation provisions for ship construction, ship alteration, and ship repair contracts. This amendment to the Commerce Acquisition Regulation (CAR 86-1) would illustrate and incorporate these standardized clauses and provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31687
Final Action	02/06/87	52 FR 3807

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Office of Procurement Management, Department of Commerce, Office of the Secretary, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4217

RIN: 0690-AA12

DEPARTMENT OF COMMERCE (DOC)

Bureau of Economic Analysis (BEA)

Proposed Rule Stage

163. ● BE-20, BENCHMARK SURVEY OF U.S. SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Regulatory Program

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action will provide for the conduct of a mandatory BE-20, Benchmark Survey of U.S. Services Transactions with Unaffiliated Foreign Persons, covering 1986, as required by the International Investment and Trade in Services Survey Act. The action will fill major gaps in data on international services transactions so the U.S. Government can better assess the size and impact of those transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to service trade, improve the recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. It is anticipated that the benchmark survey will be followed by an abbreviated annual sample survey that will update the data from the benchmark survey. The annual costs to BEA of conducting the benchmark survey and the follow-up annual sample survey will be about $500,000. The cost to respondents of the benchmark survey will be about 100,000 manhours, or $3.0 million, and the cost of the annual sample survey will be about 55,000 manhours, or $1.6 million a year. The benefits in terms of reduction in (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/26/87	52 FR 5785
NPRM Comment Period End	04/27/87	52 FR 5785
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs. A notice of proposed rulemaking to bring existing BEA surveys of U.S. services transactions under 22 USC 3101 to 3108, as amended, and to conduct a BE-20 Benchmark Survey of U.S. Services Transactions With Unaffiliated Foreign Persons was submitted to OMB in August 1985, along with an information collection request for the benchmark survey. On 10/21/85, OMB disapproved the information request for the benchmark survey, largely because of respondent burden and the need to seek greater input from the business community in designing the survey. Subsequently, final rules -- 15 CFR Part 801 -- were approved covering the other existing surveys on U.S. services transactions. BEA has conducted a public outreach program to revise the BE-20 benchmark survey to meet OMB requirements. The action described herein will amend 15 CFR Part 801 to cover the revised BE-20 survey.

Public Compliance Cost: Initial Cost: $3,000,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1986

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, **202 523-0657**

RIN: 0691-AA03

164. BENCHMARK SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES - 1987

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.17

Legal Deadline: Statutory. The survey must cover the year 1987.

Abstract: This action will amend existing rule 15 CFR Part 806.17 to provide for the conduct of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States -- 1987, as required by the International Investment and Trade in Services Act, 22 USC 3101 to 3108 (see especially Sec 4(b) of the Act). The existing rule covers a similar survey for 1980, which has been completed and which the new survey will update.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	10/00/87	
Final Action	02/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, **202 523-0657**

RIN: 0691-AA08

165. ● REVISIONS IN REPORTING REQUIREMENTS FOR SURVEYS OF U.S. TRADE IN SERVICES WITH FOREIGN PERSONS

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action is contingent upon OMB approval of the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. It will amend 15 CFR 801 to bring existing BEA services surveys into conformance with the new BE-20 benchmark survey and its anticipated annual follow-on survey. Specifically, it will: (1) Amend 15 CFR 801.9(b)(3) to eliminate coverage of consulting services from the BE-47 survey. That survey now covers foreign contract operations of U.S. construction, engineering, architectural, and related consulting and technical services firms. Under the proposed action, consulting services would be covered on the BE-20 and annual follow-on survey rather than on the BE-47. (2) Amend 15 CFR 801.9(b)(4) to expand coverage of the BE-48 survey to include direct insurance as well as reinsurance transactions. In designing the BE-20 survey, it was decided to include direct insurance on the existing BE-48 survey rather than on the BE-20; heretofore, no data on direct insurance transactions with foreign persons have been collected. (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (3) Make such other revisions to 15 CFR 801, including possible changes in exemption levels, as necessary to bring existing surveys into conformance with the BE-20 survey and its anticipated annual follow-on survey. This action is expected to have a negligible impact on reporter burden and on BEA operating costs.

Agency Contact: Anthony J. DiLullo, Assistant Chief, Balance of Payments Division, (BE-58), Department of Commerce, Bureau of Economic Analysis, Tower Building, Washington, DC 20230, 202 523-0621

RIN: 0691-AA09

166. ● IMPLEMENTATION OF ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None.

Abstract: This action is contingent upon OMB approval of the BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. It will amend 15 CFR 801 by adding rules to implement a new annual follow-on survey to the BE-20 benchmark survey. The scope and coverage of the annual survey are expected to be more limited than that of the benchmark survey, with exact scope and coverage to be determined after analysis of preliminary results of the 1986 BE-20. Data from the annual survey will be used to derive universe estimates of covered services transactions in nonbenchmark years, thus updating the data collected in the benchmark survey. The first year of coverage will be 1987; the survey will not be taken for a year covered by the benchmark survey.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	05/00/88	
Final Action	06/00/88	
Final Action Effective	06/00/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $1,600,000; Yearly Recurring Cost: $1,600,000; Base Year for Dollar Estimates: 1988

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA10

167. ● RULE TO CHANGE REPORTING CRITERIA FOR MINORITY-OWNED FOREIGN AFFILIATES ON FORM BE-11C OF THE ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.14(f)(3)(iii), (Revision)

Legal Deadline: None.

Abstract: This action will revise 15 CFR 806.14(f)(3)(iii) by lowering the percentage of ownership above which a minority-owned foreign affiliate must be reported on Form BE-11C of BEA's Annual Survey of U.S. Direct Investment Abroad. The ownership cutoff now used on the BE-11C is 25 percent. However, foreign business enterprises owned between 10 and 25 percent by a U.S. person are, by definition, also considered foreign affiliates and are thus part of the universe of U.S. direct investment abroad. Experience has shown that some of these affiliates with low ownership interests are, nevertheless, very large. Without the type of information collected on the form, data for such affiliates and, thus, for the universe as a whole, cannot be accurately estimated.

For affiliates owned between 10 and 25 percent, probably only those with assets, sales, or net income equal to or greater than $50 million would be required to report. About 90 existing reporters, and no new ones, would be required to file for about 175 additional affiliates. Of the 90 reporters, roughly 65 percent would file for one additional affiliate, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: 20 percent would file for two additional affiliates, and 15 percent would file for three or more additional affiliates. The increase in burden for these reporters would be relatively small--about 3 hours, on average--because only a few major data items (total assets, annual sales, net income, U.S. merchandise exports and imports, employment, and employee compensation) are obtained on the BE-11C. Thus, the burden of providing the data would be small relative to the gain in accuracy of the resulting estimates.

Agency Contact: Patricia Walker, Chief, Direct Investment Abroad Branch, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 603, Tower Building, Washington, DC 20230, 202 523-0661

RIN: 0691-AA11

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Final Rule Stage

168. INCREASE IN EXEMPTION LEVELS FOR FOUR DIRECT INVESTMENT SURVEYS CONDUCTED BY BEA -- QUARTERLY REPORT FORMS BE-605 AND 606B AND ANNUAL REPORT FORMS BE-133B AND 133C

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None.

Abstract: This action will raise the exemption levels for quarterly report forms BE-605 (Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent) and BE-606B (Transactions of U.S. Banking Branch or Agency with Foreign Parent) from $10.0 million to $15.0 million. It will also raise the exemption levels for annual forms BE-133C (Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) and BE-133B (Followup Schedule of Expenditures for Property, Plant, and Equipment of U.S. Direct Investments Abroad) from $8.0 million to $10.0 million. The purpose of the action is to effect a reduction in the number of reports filed by U.S. companies, thus significantly reducing the reporting and processing burden.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	52 FR 42583
NPRM Comment Period End	01/25/87	52 FR 42583
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, **202 523-0657**

RIN: 0691-AA07

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

169. ● SHIPPER'S EXPORT DECLARATION-FOREIGN TRADE STATISTICS

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30; 15 CFR 30.55(h)

Legal Deadline: None.

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations to raise the present exemption for filing shipper's Export Declarations (except for shipments requiring a validated export license) from $1000 to $1500. The exemption for shipments through the U.S. Postal Service will remain at $500.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, **301 763-5342**

RIN: 0607-AA09

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Prerule Stage

170. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None.

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, **202 377-5441**

RIN: 0610-AA05

171. ● SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be

DOC—EDA **Prerule Stage**

used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief, Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4678**

RIN: 0610-AA31

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

172. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with federal funds is being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, **202 377-5441**

RIN: 0610-AA07

173. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None.

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA12

174. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE – FLOOD INSURANCE PROGRAM; AND ENVIRONMENTAL REQUIREMENTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.15; 13 CFR 309.18

Legal Deadline: None.

Abstract: This rule amends EDA's regulation at 13 CFR 309.15 on Flood Hazard to reflect a shift in the administration of the Flood Insurance Program from the Department of Housing and Urban Development (HUD) to the Federal Emergency Management Agency (FEMA). It also updates environmental regulations at 13 CFR 309.18.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/86	51 FR 23042
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW, Room 7324, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA16

DOC—EDA

Final Rule Stage

175. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Economic Development and Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA18

176. DESIGNATION OF AREAS OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None.

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Ave., NW, Room 7324, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA19

177. DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None.

Abstract: 13 CFR Part 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" is amended at paragraph (a)(4) to delete reference to submission of an Overall Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24302
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7329, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA21

178. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Sec 309.2 entitled "Unfair Competition" has been amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $25,000. Also, the unfair competition exceptions have been expanded to apply to all EDA financial assistance programs. Certain projects are exempt from "702 Study" requirements and the definition of retention of capacity and employment has been changed by deleting the word "existing."

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/86	51 FR 16292
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic

Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7329, Washington, DC 20230, **202 377-2710**

RIN: 0610-AA22

179. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at Section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" has been amended to conform, at subparagraph c to P.L. 99-180, December 13, 1985, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be financed under P.L. 99-180; however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under P.L. 99-180.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24303
Final Action	04/00/87	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and, Administration, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7009, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA23

180. ● NOTICE OF AVAILABILITY OF FUNDS - UNIVERSITY CENTERS PROGRAM

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA seeks to publish a Notice concerning intended changes in its University Center Program, if funds are appropriated beyond FY 1987. These changes would gradually reduce and ultimately end EDA funding. This will enable EDA to fund other qualified institutions.

Timetable:

Action	Date	FR Cite
Final Action	03/15/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA29

181. ● CIVIL RIGHTS - AGE DISCRIMINATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 311

Legal Deadline: None.

Abstract: This rule will amend EDA's civil rights regulations to include recent final rules promulgated by the Department of Commerce (DOC) at 15 CFR Part 20 (DOC rule). The DOC rule establishes procedures to implement the Age Discrimination Act (The Act) of 1975, as amended. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. EDA needs to amend its regulations to assure conformity to the DOC rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA30

182. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE-NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None.

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48 month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	05/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA32

183. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - PROJECT MODIFICATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.26

Legal Deadline: None.

Abstract: The purpose of this amendment is to conform the statement of EDA's policy on project modification to guidelines established by the General Accounting Office on change of scope, by putting into regulatory language, that which has been actual EDA practice. The rule change provides standards and states that EDA will not allow project modification which would constitute a change of scope.

Timetable:

Action	Date	FR Cite
Final Action	03/00/87	
Interim Final Rule	10/20/87	51 FR 37175

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA33

184. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: 13 CFR 309 at section 309.7 entitled "Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants" will be amended to conform, at subparagraph c, to Pub. L. 99-500, October 18, 1986, to state that fees for services of attorneys and consultants in preparing applications for EDA financial assistance cannot be funded under Pub. L. 99-500, however, attorneys' and consultants' fees used to meet grant requirements, such as for example, conducting a title search or preparing plans and specifications, could be eligible project costs and paid for out of funds appropriated or otherwise made available under Pub. L. 99-500.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA34

185. ● PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None.

Abstract: EDA intends to initiate regulatory action to protect its interests by: (1) enabling EDA to acquire liens in property purchased or improved with EDA grant funds; and (2) once EDA has such ownership rights in property, by enabling EDA to expend funds to protect and care for such property, including liquidation, litigation or any other necessary action. The latter regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds. The Department of Commerce Legislative Program for the First Session of the 100th Congress includes the submission of appropriate legislation to the Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	
Proposed Legislation	00/00/00	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA35

186. ● LIABILITY FOR TOXIC WASTES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None.

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from toxic waste on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/87	
Final Action	09/00/87	

Small Entity: Not Applicable

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Eugenie E. Foster, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &, Constitution Avenues, NW, Washington, DC 20235, **202 377-4687**

RIN: 0610-AA36

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed Actions

187. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - NONRELOCATION

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None.

Abstract: Based upon comments received, the legislative history, and agency policy, the final rule has been changed to cover business development projects as well as grants for construction, renovation, etc. under Titles I, IV, IX and Sec. 301(f) of Title III of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136 42 USC 3121 et seq). The final rule will include time limits, areas and employers covered. The interim final rule now in effect narrows the nonrelocation requirements to business development projects and limits the definition of financial assistance to loans and guarantees. The interim final rule will be grandfathered to apply to projects approved from 11/13/85 until the date of publication of the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/85	50 FR 96749
Final Action	09/15/86	51 FR 32628

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Adm., Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th and Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA20

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Prerule Stage

188. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR Part undetermined

Legal Deadline: None.

Abstract: To eliminate duplicative and inconsistent debarment and suspension actions across the government. Private actions or actions by other levels of government would lack broad enough jurisdiction. This regulation will benefit the U.S. by eliminating duplicative and costly actions. Benefits have not been quantified at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605-AA02

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Completed Actions

189. ADMINISTRATIVE OFFSETS FOR DEBTS OWED THE DEPARTMENT OF COMMERCE

Legal Authority: PL 97-365, Sec 10

CFR Citation: 15 CFR 2A, (New)

Legal Deadline: None.

Abstract: The proposed regulation will cover Department procedures for withholding money due individuals and businesses indebted to the Federal Government. Administrative offsets will be used by the Department when debtors have failed to make timely and adequate payments to satisfy such debts. Prior to collecting claims through administrative offset, debtors will be provided under the regulations with a notification of the amount and nature of the claim and the Department's intention to collect the claim through administrative offset, and explanation of the debtor's rights, an opportunity for the debtor to inspect and copy the agency's records relating to the claim, an opportunity for review of the claim by the agency if contested by the debtor, and an opportunity to enter into a written agreement with the agency for repayment of the amount due. These procedures will ensure the effective use of administrative offsets when appropriate, thereby increasing collections of amounts due the Federal Government. The result will be better cash management and a slight reduction in the need of the Federal Government to borrow funds in the capital market.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18605
NPRM Comment Period End	06/20/86	
Final Action	12/30/86	51 FR 47004
Final Action Effective	01/24/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Agency Contact: Roger J. Mallet, Chief, Financial Management Branch, Department of Commerce, General

DOC—ADMIN

Completed Actions

Administration, Office of Finance and Federal Assistance, Room 6823, 14th & Constitution Ave. NW, Washington, DC 20230, **202 377-2324**

RIN: 0605-AA00

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Prerule Stage

190. ● ANTIDUMPING AND COUNTERVAILING DUTIES; MODIFICATIONS

Legal Authority: 19 USC 1303; 19 USC 1516a; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: As appropriate, the ITA will amend the current regulations in effect at the time of enactment of modifications in the statutory authority for imposing antidumping and countervailing duties, if such legislation is enacted in 1987 or 1988.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, **202 377-1411**

RIN: 0625-AA26

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

191. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None.

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, **202 377-1411**

RIN: 0625-AA04

192. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Legal Deadline: None.

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Edward Levy, 232 Program Manager, Department of Commerce, International Trade Administration, Strategic Analysis Division, Washington, DC 20230, **202 377-2322**

RIN: 0625-AA15

193. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002

DOC—ITA

Proposed Rule Stage

CFR Citation: 15 CFR 371; 15 CFR 377; 15 CFR 399

Legal Deadline: None.

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20236, 202 377-3984

RIN: 0625-AA21

194. ● SANCTIONS FOR VIOLATION OF ANTIDUMPING AND COUNTERVAILING DUTY PROTECTIVE ORDERS

Legal Authority: 19 USC 1677

CFR Citation: 19 CFR 353; 19 CFR 354 (added); 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will add a new part 354 to the antidumping (part 353) and countervailing duty (part 355) regulations that establishes procedures for imposing sanctions against an individual, firm or other entity that violates the terms of an administrative protective order issued under 19 U.S.C. 1677. We will make conforming changes in parts 353 and 355.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625-AA24

195. ● ANNUAL WATCH QUOTA ALLOCATIONS

Legal Authority: PL 97-466, Sec 110 (1983); 19 USC 1202 general headnote 3(a)

CFR Citation: 15 CFR 303

Legal Deadline: None.

Abstract: The regulation allocates watch quotas on an annual basis, in compliance with the requirements of the statute and regulations. Program issues allocations no later than March 1 of each year, under section 303.6(b) of the regulations.

Timetable:

Action	Date	FR Cite
Proposed allocation of watches	10/31/87	

Small Entity: No

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Rm. 1523, Washington, DC 20230, 202 377-1660

RIN: 0625-AA25

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

196. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None.

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/87	
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see Section 553(a)(2) concerning loans and grants). Revision of current regulations is in departmental process.

Affected Sectors: Multiple

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: August G. Fromuth, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625-AA05

DOC—ITA

Final Rule Stage

197. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions will replace the entire text of 19 CFR Parts 353 and 355.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	
AD Regulations		
NPRM 08/13/86 (51 FR 29046)		
NPRM Comment Period End 09/30/86		
CVD Regulations		
NPRM 06/10/85 (50 FR 29225)		
NPRM Comment Period End 09/09/85 (50 FR 32088)		

Small Entity: No

Affected Sectors: Multiple

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Acting, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625-AA08

198. ● ANTIDUMPING AND COUNTERVAILING DUTIES - DE MINIMIS

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None.

Abstract: The ITA will amend the antidumping and countervailing duty regulations to provide that de minimis margins of dumping and de minimis subsidies shall be disregarded. The change is required by a recent decision of the Court of International Trade, which overturned the ITA's longstanding administrative practice regarding de minimis.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35529
Final Action	10/00/87	

Small Entity: No

Agency Contact: William D. Hunter, Acting Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, 202 377-1411

RIN: 0625-AA23

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Proposed Rule Stage

199. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693-AA12

200. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, 301 975-2833

RIN: 0693-AA17

201. FIPS FOR INTERNETWORK PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will provide the specifications for network interconnection via procedures for the connectionless transmission of data and control information from one network entity to another. It is based on the work of the International Organization for Standardization and is one of a family of computer network protocol standards which will make possible computer-to-computer communications of Federal ADP systems. It will enable

organizations to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA40

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202. FIPS FOR CODES FOR THE IDENTIFICATION OF AQUIFER NAMES AND GEOLOGIC UNITS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This standard will adopt for Federal government use codes for aquifer names and geologic units developed by the Department of the Interior under its Memorandum of Understanding with NBS to develop and maintain earth science data element and representation standards. The standard will facilitate the interchange of information among Federal departments and agencies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA44

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203. REVISION TO FIPS 29-1, INTERPRETATION PROCEDURES FOR FEDERAL INFORMATION PROCESSING STANDARD PROGRAMMING LANGUAGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision to the interpretation procedures for Federal Information Processing Standard programming languages will provide for more flexibility and more timely response to requests for interpretations by adding to the methods that are available for developing interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44505
NPRM Comment Period End	03/10/87	51 FR 44505
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA47

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204. FIPS FOR STANDARD GENERALIZED MARKUP LANGUAGE (SGML)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an International Standard ISO/DIS 8879 (currently a draft standard) which standardizes the application of generic coding and generalized markup concepts for documents that are processed by text processing and word processing systems. It provides a coherent and unambiguous syntax for describing what a user chooses to identify within a document. Use of this standard will facilitate the interchange of documents among systems with differing text processing languages and the processing of documents by more than one application, when applications use the same text processing language.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA50

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205. FIPS FOR RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; 4-TRACK, SERIAL, 0.250 IN (6.30 MM), 6400 BPI (252 BPMM) INVERTED MODIFIED FREQUENCY MODULATION ENCODED

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA51

206. FIPS FOR SERIAL RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; FOUR AND FIVE TRACK, 0.250 IN (6.30 MM) 8000 BPI (315 BPMM) STREAMING MODE GROUP CODE RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA52

207. FIPS FOR ONE-HALF INCH MAGNETIC TAPE INTERCHANGE USING A SELF LOADING CARTRIDGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.85-1981) which provides the requirements and test methods necessary to ensure physical interchange of a self loading cartridge to be used with 1/2 inch wide magnetic tape.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA53

208. FIPS FOR RECORDED FORMATS FOR ONE AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 IN (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA54

209. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA55

210. ● FIPS FOR DEVICE LEVEL INTERFACE FOR STREAMING CARTRIDGE AND CASSETTE TAPE DRIVES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.146-1986) that specifies the interface between streaming cartridge and cassette tape drives, and small computer systems. This standard will facilitate the acquisition of cartridge and cassette tape drives made by different manufacturers, expand the Federal Government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA57

DOC—NBS **Proposed Rule Stage**

211. ● FIPS FOR INTERFACES BETWEEN FLEXIBLE DISK CARTRIDGE DRIVES AND THEIR HOST CONTROLLERS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI X3.80-1981) that specifies the interface between flexible disk drives and the host system. This standard will facilitate the acquisition of flexible disk drives made by different manufacturers, expand the Federal government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA58

212. ● REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA59

213. ● REVIEW OF FIPS 46, DATA ENCRYPTION STANDARD

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: FIPS 46, Data Encryption Standard (DES), will be reviewed to assess its adequacy in protecting unclassified computer information. FIPS 46 was approved for Federal government use in 1977 and reaffirmed in 1983. The DES specifies an algorithm to be implemented in electronic hardware devices and used for the cryptographic protection of computer data.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA60

214. ● FIPS FOR GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROCUREMENT (GOSIP)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt a procurement specification developed by the Government Open Systems Interconnection Users Group. The specification will enable the Federal government to acquire computer network systems that conform to national and international standards for OSI. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693-AA61

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Final Rule Stage

215. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal

agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	46 FR 14913
NPRM	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	48 FR 22770
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 975-2833**

RIN: 0693-AA06

216. FIPS FOR DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.135) that defines the structure and operations of a relational data model and specifies data definition and data manipulation language interfaces to database systems supporting the relational model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA32

217. FIPS FOR OPTICAL CHARACTER RECOGNITION (OCR) DOT MATRIX CHARACTER SETS FOR OCR-MA

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently ANSI BSR X3.111) which provides the description, scope, and application rules for a character set that is generated by dot matrix printers and that closely matches the OCR-A character set. Use of this standard will reduce the cost of data input into ADP systems which use OCR equipment.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46474
NPRM Comment Period End	02/06/86	50 FR 46474
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA33

218. FIPS FOR DATABASE LANGUAGE NDL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (current ANSI BSR X3.133-198x) that defines the structure and operations of a network data model and specifies data definition and data manipulation language interfaces to database systems supporting the network model. Use of this standard will enable database definition and application modules to be interchanged between different systems, and will enable staff training and skills to be more fully utilized.

Timetable:

Action	Date	FR Cite
NPRM	04/21/86	51 FR 13542
NPRM Comment Period End	07/21/86	51 FR 13542
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA34

219. FIPS FOR BASIC PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the BASIC programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/13/86	51 FR 1418
NPRM Comment Period End	04/14/86	51 FR 1418
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

DOC—NBS

Final Rule Stage

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA35

220. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610
Final Action	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA38

221. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA39

222. FIPS FOR SMALL COMPUTER SYSTEM INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently dpANS X3.131) which defines the physical, electrical, and mechanical specifications for an 8-bit parallel bus, suitable for connecting physically small computers to each other and to mass storage peripherals. This standard is widely used in industry, and will enable Federal users to reduce costs and improve reutilization of mass storage components for small systems.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA41

223. FIPS FOR INTELLIGENT PERIPHERAL INTERFACE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt American National Standards (currently dpANS X3.129, dpANS X3.130, dpANS X3.132, and X3T9/85-37) which provide for the interconnection of high performance computer systems and mass storage components for large and medium scale computers. This standard will be an alternative to FIPS 60, I/O Channel Interface, and will enable Federal agencies to reduce the cost of computer system components through improved competition.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28402
NPRM Comment Period End	11/05/86	51 FR 28402
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA42

224. FIPS FOR COMPUTER GRAPHICS METAFILE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) that specifies a file format suitable for the description, storage, and communication of graphical information in a device independent manner. Use of this standard will facilitate the transfer

of graphical information between different graphical software systems, different graphical devices, and different computer installations, and will reduce time in recomputing and regenerating graphical information.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	51 FR 17788
NPRM Comment Period End	08/13/86	51 FR 17788
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA45

225. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
Final Action	07/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA48

226. FIPS FOR UNIX* OPERATING SYSTEM DERIVED ENVIRONMENTS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: This standard will adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System for Computer Environments (IEEE 1003.1/POSIX**). This standard will facilitate the interchange of computer programs between UNIX operating system derived environments and make it possible to increase the productivity of staff members who develop and document computer programs for these systems.

* UNIX is a registered trademark of AT&T.

**POSIX is a trademark of the IEEE.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 30896
NPRM Comment Period End	11/28/86	51 FR 30896
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA49

227. REVISION TO FIPS 5-1, CODES FOR THE IDENTIFICATION OF THE STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE UNITED STATES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This revision provides two-letter alphabetic codes and two-digit numeric codes for each State and the District of Columbia. These codes, which are used for interchange of data between Federal agencies and with non-Federal organizations, are unchanged from FIPS 5-1. In addition, alphabetic and numeric codes will be provided for outlying areas of the United States to be consistent with these codes provided in FIPS 10-3, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, and FIPS 104-1, American National Standard Codes for the Representation of Names of Countries, Dependencies, and Areas of Special Sovereignty for Information Interchange.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 28406
NPRM Comment Period End	11/05/86	51 FR 28406
Final Action Effective	09/00/87	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA56

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

228. FIPS 70-1, REPRESENTATION OF GEOGRAPHIC POINT LOCATIONS FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Legal Deadline: None.

Abstract: This revision will extend the current FIPS which establishes uniform formats for geographic point location data that is collected, processed and analyzed by Federal Government agencies. The extensions will provide for more complete and accurate representation of data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41478
NPRM Comment Period End	12/14/83	48 FR 41478
Final Action	11/14/86	51 FR 41379
Final Action Effective	04/15/87	51 FR 41379

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, Maryland 20899, **301 975-2833**

RIN: 0693-AA13

229. FIPS 125, MUMPS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an American National Standard (ANSI/MDC X11.1-1984) which defines the syntax of language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10648
NPRM Comment Period End	06/26/86	51 FR 10648
Final Action	11/04/86	51 FR 40056
Final Action Effective	05/01/87	51 FR 40056

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA36

230. FIPS 123, SPECIFICATION FOR A DATA DESCRIPTIVE FILE FOR INFORMATION INTERCHANGE (DDF)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This standard will adopt an International Standard ISO 8211, which provides a standard interchange format for data structures, data files, data definitions, and databases. Use of this standard will enable Federal agencies to transport data easily between computer systems of different manufacturers and to restructure the data without loss of content or meaning.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33090
NPRM Comment Period End	11/14/85	50 FR 33090
Final Action	09/19/86	51 FR 33288
Final Action Effective	04/01/87	51 FR 33288

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693-AA37

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Prerule Stage

NATIONAL MARINE FISHERIES SERVICE

231. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None.

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

DOC—NOAA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 673-5374

RIN: 0648-AA46

232. ● MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation permits and stamps, and from an assessment on landing or delivery of fish for commercial purposes. Revenues would be shared with the states for marine fishery conservation activities. Administration costs are estimated to be $7,500,000 annually, with net Federal revenues of approximately $40 million.

Timetable:

Action	Date	FR Cite
Preparatory discussion with Postal Service	01/00/87	
Preparatory discussion with Congressional staff	02/00/87	
Preparatory introduction of legislation	04/00/87	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $7,500,000; Yearly Recurring Cost: $7,500,000; Base Year for Dollar Estimates: 1986

Affected Sectors: 203 Canned and Preserved Fruits and Vegetables

Government Levels Affected: State, Federal

Agency Contact: John T. Everett, Chief, Policy and Planning Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, DC 20235, 202 673-5464

RIN: 0648-AB93

233. ● PERFORMANCE STANDARDS FOR TUNA SKIPPERS

Legal Authority: 16 USC 1361 to 1407 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: During 1986 the overall annual quota for allowable incidental mortality of porpoise in the eastern tropical Pacific was reached in October and the U.S. tuna purse seine fleet was prohibited from fishing for tuna associated with porpoise. Industry representatives asserted that the quota was reached because a small fraction of vessel operators had exceptionally high kills. The industry representatives requested NMFS to develop sanctions to use against the certificates held by the offending operators to prevent their actions from penalizing the entire industry.

The NMFS does not now have porpoise mortality standards to serve as the basis for any permit action. The purpose of the proposed rule will be to establish appropriate standards which will improve the U.S. fleet's overall porpoise safety performance and identify individual poor performers for remedial action or, if necessary, elimination from the fishery.

Timetable:

Action	Date	FR Cite
Review of Options Paper on Alternative Porpoise Mortality Standards	00/00/00	

Small Entity: Undetermined

Agency Contact: Dr. Nancy Foster, Director, Office of Protected Species & Habitat Cons., Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 673-5350

RIN: 0648-AC07

234. ● TAKING OF MARINE MAMMALS INCIDENTAL TO UNDERWATER TESTS BY THE DEPARTMENT OF THE NAVY

Legal Authority: 16 USC 1361 to 1497 Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228

Legal Deadline: None.

Abstract: Based on a request from the Department of the Navy, NMFS is considering regulations that would allow a small number of harbor seals and California sea lions to be taken incidental to underwater explosive tests in San Francisco Bay. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of Marine mammals incidental to specified activities provided that certain findings can be made and regulations are established that set forth permissible methods of taking and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	
ANPRM Comment Period End	05/01/87	
NPRM	07/01/87	
NPRM Comment Period End	08/01/87	
Final Action	10/01/87	
Final Action Effective	11/01/87	

Small Entity: No

Agency Contact: Nancy Foster, Director, Office of Protected Species and Habitat Conservation, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, 202 673-5350

RIN: 0648-AC08

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

235. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None.

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Republish as interim final rule	04/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **B. G. Thompson,** Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management, NMFS, Washington, DC 20235, **202 673-5335**

RIN: 0648-AA38

236. REGIONAL FISHERY MANAGEMENT COUNCILS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: **Loretta Williams,** Fishery Management Assistant, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, **202 673-5263**

RIN: 0648-AB09

237. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None.

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	49 FR 50498
NPRM Comment Period End	06/14/87	49 FR 50498
Final Action	08/02/87	
Final Action Effective	09/01/87	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: **Alfred J. Bilik,** Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5319**

RIN: 0648-AB23

238. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 653, (Reserved)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	
NPRM Comment Period End	08/14/87	
Final Action	10/03/87	
Final Action Effective	11/02/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **Richard H. Schaefer,** Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine

Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB30

239. ATLANTIC BILLFISH AND SHARKS FISHERY - FOREIGN FISHING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Amends foreign fishing regulations at 50 CFR 611.61 to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfish.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Carmen J. Blondin, Deputy Assistant Admin. for Fishery Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5260

RIN: 0648-AB33

240. AMENDMENT FOR ALASKA GROUNDFISH AND HIGH SEAS SALMON FISHERY MANAGEMENT PLANS - CLOSE FCZ INTRUSION INTO STATE WATERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: None.

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska. It affects the Gulf of Alaska groundfish and High Sea salmon fisheries. The amendment to the Gulf of Alaska Groundfish Fishery Management Plan to redefine Sablefish Management Boundaries (RIN 0648-AB39) has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB41

241. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Legal Deadline: None.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
NPRM	04/01/87	
NPRM Comment Period End	06/15/87	
Final Action	07/05/87	
Final Action Effective	08/05/87	

Small Entity: Undetermined

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB44

242. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 220; 50 CFR 222

Legal Deadline: None.

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would

allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at 2500. Cost per applicant is estimated at $10. Each applicant will be required to submit a conservation plan as part of the permit process. As part of their conservation plan, fishermen will have the option of voluntary use of the Trawling Efficiency Device which allows trapped sea turtles to escape from fishing nets. Selection of this option will result in an additional cost of approximately $400 per Device. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, **202 673-5351**

RIN: 0648-AB47

243. ● IMPLEMENTATION OF FISHERY MANAGEMENT RECOMMENDATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 601

Legal Deadline: None.

Abstract: Revision will implement P.L. 99-659 and accepted recommendations of the NOAA Fishery Management Study completed in 1986. The objective is to improve the process of fishery management under the Magnuson Fishery Conservation and Management Act. The Study analyzed alternatives to the existing system. Benefits include unquantifiable improvements in efficiency and resource conservation. Costs are expected to be absorbed by improved priorities in the Federal fishery program.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	
NPRM Comment Period End	06/02/87	
Final Action	06/30/87	

Small Entity: Not Applicable

Agency Contact: Bruce W. Norman, Sr. Policy Analyst, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5464**

RIN: 0648-AB57

244. SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC - AMENDMENT 1

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: There is a high mortality of undersized lobsters used as live bait in traps, an increasing number of traps in the fishery, incompatible State and Federal regulations, and an excessive number of abandoned traps. New management measures include: a Federal permit to fish, commercial lobster season from April 1 to August 5th, minimum tail length of 5 inches, required onboard live well for carrying lobsters used as bait, a Federal permit to fish, modify the sportfishing possession limit, request modification of the State reporting requirements, require release of all egg-bearing lobsters, require a permit to separate lobsters at sea, limit possession of undersize lobster on board to 100, and require identification of gear and vessels. Estimated benefits are an increase in annual yield of 1.5 million pounds and an increase of $3.3 million to fishermen by 1987. The benefits will exceed the costs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review and a regulatory flexibility analysis was prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB74

245. AMENDMENT NO. 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 681

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This Amendment will (1) incorporate management measures for Slipper Lobster, and (2) require the use of escape vents in Lobster pots.

Timetable:

Action	Date	FR Cite
NPRM	02/13/87	
NPRM Comment Period End	03/30/87	
Final Action	05/19/87	
Final Action Effective	06/18/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, **213 514-6196**

RIN: 0648-AB81

DOC—NOAA

Proposed Rule Stage

246. AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This Amendment will revise the management program for Atlantic sea scallops by the following possible changes: (1) modify the meat count measure to include a provision for seasonal changes reflecting size changes; (2) supplement the meat count measure with some type of gear specification measure designed to increase the size-selectivity of scallops harvested; and (3) establish seasonal closure provisions for certain areas having high densities of immature scallops.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/14/87	
Final Action	12/19/87	
Final Action Effective	01/18/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **Richard Schaefer,** Acting Regional Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB83

247. SEA TURTLE CONSERVATION; SHRIMP TRAWL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222.41; 50 CFR 227.72(e)(3)

Legal Deadline: None.

Abstract: The NMFS is mandated by the Endangered Species Act of 1973 (ESA) to conserve and protect endangered and threatened species. Six species of marine turtles are listed as endangered or threatened under the ESA. Significant numbers of listed turtles are caught and drowned incidental to shrimp fishing operations in the Gulf of Mexico and the U.S. South Atlantic. To address this problem, NMFS developed the Trawling Efficiency Device (TED). When attached to a shrimp trawl, this excluder gear reduces the incidental capture of sea turtles by 97 percent in addition to reducing other unwanted by-catch associated with shrimp trawling. NMFS is now considering promulgating regulations that would require the use of TEDs in several significant geographical areas of the Gulf of Mexico and the U.S. South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 6179
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: **Charles A. Oravetz,** Chief, Protected Species Management Branch, Department of Commerce, National Oceanic and Atmospheric Administration, Southeast Regional Office, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3366**

RIN: 0648-AB86

248. ● RESUBMITTED PORTION OF AMENDMENT 1 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The revised portion of the amendment will exempt Mid-Atlantic black sea bass fishing gear from the escape vent requirement in a specified fishing area east and south of Barnegat, New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	04/13/87	
Final Action	05/19/87	
Final Action Effective	06/18/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: **Richard Schaefer,** Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB89

249. ● SECRETARIAL AMENDMENT OF THE FISHERY MANAGEMENT PLAN FOR THE COMMERCIAL TANNER CRAB FISHERY OFF THE COAST OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 671

Legal Deadline: None.

Abstract: If this Secretarial Amendment to the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP) is implemented, it would repeal the FMP and its implementing regulations. The North Pacific Fishery Management Council is preparing a new FMP. However, during an interim period following repeal of the current FMP, and before implementation of a new FMP, the Tanner crab fishery would be managed to the extent that vessels are registered in the State of Alaska by the State. Repeal of the current FMP is necessary because it fails to provide for timely coordination with the State of Alaska's inseason management actions and may result in violation of National Standards 1, 2, 5, 6, and 7 of the Magnuson Act. While the current FMP allows for inseason actions to protect stocks of Tanner crab it does not permit inseason actions based solely on socioeconomic reasons. The new FMP in draft will contain Tanner crabs and King crabs and better defined frameworking mechanisms.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8319
Final Action	04/12/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Services, P.O. Box 1668, Juneau, AK 99802, **907 586-7229**

RIN: 0648-AB90

250. ● AMENDMENT 1 TO THE RED DRUM FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 604; 50 CFR 653

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The amendment proposes to divide federal waters in the Gulf into a primary and two secondary management areas. The Council proposes no retention of red drum in either secondary area. The Council is also expected to identify a procedure for establishing a TAC in the primary area to allow for the allocation of catch among user groups if a surplus is indicated.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	05/15/87	
Final Action	07/15/87	
Final Action Effective	08/15/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB91

251. ● AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 630

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 1 will address the continuing decline of large swordfish. U.S. fishery has changed dramatically in recent years. The larger, economically important swordfish are rarely found in nearshore fishery grounds that need to be productive. Fishermen have turned to tuna in these waters or are required to go to distant water for larger swordfish. The Councils will consider size limits, area closures and quota management in amendment 1 in an attempt to restore the nearshore swordfish fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	
Final Action	01/15/88	
Final Action Effective	02/15/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 983-3141**

RIN: 0648-AB92

252. ● SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None.

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5299**

RIN: 0648-AB94

253. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 642

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 will clarify and revise the framework measures providing for seasonal adjustment, revised maximum sustainable yield, adjust total allowable catch, and establish allocation procedures for Spanish mackerel, regulate mackerel fishing gear, and provide for fishing permits.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB95

254. ● GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS - AMENDMENT 11

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 675

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation will address preventing overfishing of sablefish, protection for halibut, assistance to local fisheries and processors, inadequate information on at-sea transfers of fish and the economic value of catches, and potential loss of economic benefits by unnecessary catch limits. Alternatives being considered are: Minimum size for sablefish, increased restrictions on incidental catches of halibut, closure of an area around unalaska islands to foreign fishing and domestic fishing for transfer to foreign processing vessels in an effort to assist domestic processors, closure of an area in the eastern Bering Sea to trawl fishing (May-July) to assist the local fishery for Pacific cod, increase the upper limit of optimum yield to domestic vessels, require reporting of the transfer of fish at-sea among domestic vessels, require reporting of foreign processed fish, require reporting of more economic data on catches, and allow the retention and sale of fish by research charter vessels.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	
NPRM Comment Period End	12/15/87	
Final Action	02/03/88	
Final Action Effective	03/05/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668 F/AKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB96

255. ● AMENDMENT 2 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 649

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: Amendment 2 will increase the minimum legal carapace length for American lobster, protect v-notched lobsters, and establish a nation-wide lobster minimum size with a prohibition on berried or scrubbed lobsters.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/28/87	
Interim Final Rule	10/18/87	
Final Action	11/17/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB97

256. ● GROUNDFISH OF THE GULF OF ALASKA - AMENDMENT 16

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: The regulation addresses problems of preventing overfishing of sablefish, incidental catches of halibut, and inadequate information on catches and transfers of fish. Alternatives are limited entry on the sablefish fishery, minimum size for sablefish, a moratorium on bottom trawling in the eastern Gulf of Alaska, establishing a fixed percentage of allowable sablefish harvests between the three areas of the Gulf of Alaska, closures around Kodiak Island to protect juvenile halibut, and requiring additional information about the economic value of catches and the transfer of fish at sea.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	
NPRM Comment Period End	10/12/87	
Final Action	12/01/87	
Final Action Effective	12/31/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB98

257. ● AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment is expected to address a variety of subjects including: (1) inclusion of habitat considerations; (2) establishment of escapement goals and an allocation plan for Klamath River fall chinook; (3) shore side sorting of salmon caught incidentally in trawl fisheries for Pacific whiting and other non-salmon fisheries;

(4) defining quotas as guaranteed catches; (5) counting of inshore recreational harvests toward ocean quotas; and (6) inclusion of vessel safety consideration.

Timetable:

Action	Date	FR Cite
NPRM	10/25/87	
NPRM Comment Period End	12/08/87	
Final Action	01/28/88	
Final Action Effective	02/28/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Building 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648-AB99

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258. ● AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This Amendment will (1) update the scientific data and other information used as a basis for management actions, (2) enhance the framework aspect of annual and inseason rulemaking under the fishery management plan (FMP), and (3) ensure conformity of the FMP with the Pacific Salmon Treaty.

Timetable:

Action	Date	FR Cite
NPRM	11/15/87	
NPRM Comment Period End	12/30/87	
Final Action	02/19/88	
Final Action Effective	03/20/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AC00

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259. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1988

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.22

Legal Deadline: Statutory, January 1, 1988.

Abstract: This rule will set poundage and permit fees for foreign fishing in 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/15/87	
Final Action Effective	01/01/88	

Small Entity: No

Additional Information: An RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Washington, DC 20235, **202 673-5315**

RIN: 0648-AC01

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260. ● NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: Statutory. 110 days after the plan is submitted by the fishery management council.

Abstract: This plan will provide additional protection to groundfish resources in the North Atlantic beyond that provided by the current Northeast Multispecies FMP, which was implemented on an interim basis until September 30, 1987. The plan will be aimed at reducing fishing pressure on ten valuable fish species and rebuilding their stocks (cod; haddock; yellowtail; winter, windowpane, and witch flounders; pollock; redfish or ocean perch; American plaice; and white hake).

Timetable:

Action	Date	FR Cite
NPRM	05/25/87	
NPRM Comment Period End	07/10/87	
Final Action	08/29/87	
Final Action Effective	09/28/87	

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNER - NMFS, State Fish Pier, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AC04

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261. ● LABELING REQUIREMENTS FOR FROZEN FISH BLOCKS AND PRODUCTS THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act

CFR Citation: 50 CFR 264.200, (New); 50 CFR 264.201, (New)

Legal Deadline: None.

Abstract: NMFS is in the process of developing U.S. Standards for Grades of Mixed Fillet/Mince Fish Blocks and Revising Standards for Fillet Blocks and Minced Fish Blocks, as well as for Fish Sticks and Portions. Uniform labeling of frozen fish blocks, and fish sticks and portions is important to avoid confusion among processors, who buy fish blocks, and among consumers, who buy the fish sticks and portions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric

Administration, Office of Utilization Research, Washington, DC 20235, 202 673-5374

RIN: 0648-AC06

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

262. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AA33

263. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None.

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AB49

264. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None.

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AB50

265. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AB64

266. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None.

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine

DOC—NOAA **Proposed Rule Stage**

Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AB68

267. ● RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None.

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally-approved state coastal zone management programs. NOAA/OCRM intends to issue regulations to implement these provisions and to correct problems NOAA/OCRM and the states have experienced in processing program change requests.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
NPRM	06/30/87	
NPRM Comment Period End	07/30/87	
Final Action	11/30/87	
Final Action Effective	01/30/88	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, **202 673-5100**

RIN: 0648-AC02

268. ● PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AC03

269. ● PROPOSED REGULATIONS FOR THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None.

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648-AC05

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

270. CIVIL PROCEDURES

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Legal Deadline: None.

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/85	50 FR 12781
Final Action	04/15/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Margaret H. Frailey, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement and Litigation, 1825 Connecticut Avenue, NW, Room 607, Washington, DC 20235, **202 673-5220**

RIN: 0648-AA26

271. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None.

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
Interim Final Rule	10/01/87	47 FR 21840

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 673-5374**

RIN: 0648-AA47

272. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Significance: Regulatory Program

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83; 50 CFR 246.1 to 246.3

Legal Deadline: None.

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	
Final Action	06/01/87	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, **202 673-5299**

RIN: 0648-AA53

273. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Legal Deadline: None.

Abstract: This final standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	05/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5374**

RIN: 0648-AA73

274. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

DOC—NOAA

Final Rule Stage

Abstract: This amendment will (1) authorize closing a regulatory area or district to directed fishing for sablefish to a specific gear type prior to the achievement of that gear's allocation of optimum yield but would allow sablefish to be taken as a bycatch, and (2) allow continued fishing for other species when the optimum yield for one species has been reached. The species for which OY has been reached would become a prohibited species.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20659
NPRM Comment Period End	07/03/86	
Final Action	03/09/87	
Final Action Effective	04/09/87	

Small Entity: No

Additional Information: An RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

275. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None.

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Final Action	05/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Conservation, NMFS, Washington, DC 20235, 202 673-5351

RIN: 0648-AB46

276. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; TECHNICAL AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674

Legal Deadline: None.

Abstract: As required under P.L. 98-623, NOAA issues a technical amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Marilyn Luipold, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service GCF, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5206

RIN: 0648-AB51

277. FISHERY MANAGEMENT PLAN FOR PACIFIC BILLFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 682

Legal Deadline: Statutory. 110 days after the fishery management plan is submitted by the fishery management council.

Abstract: The Western Pacific Fishery Management Council voted unanimously to amend the FMP by limiting the size of the areas closed to foreign longline vessels. The Amendment establishes a set of criteria which must be met before the Regional Director can make a closure determination. The criteria are based on the adverse impact of foreign fishing on the catch efforts, gear or economic performance of domestic vessels.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 45141
NPRM Comment Period End	01/23/87	51 FR 45141
Final Action	03/14/87	
Final Action Effective	04/13/87	

Small Entity: No

Additional Information: An RIA will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

DOC—NOAA

Final Rule Stage

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB61

278. REGULATIONS GOVERNING THE HARASSMENT OF HUMPBACK WHALES

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None.

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Final Action	04/01/87	
Final Action Effective	05/01/87	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6201

RIN: 0648-AB79

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

279. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None.

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President on October 19, 1984, the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process and site selection criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
NPRM Comment Period End	08/11/86	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Herbert Kaufman, Acting Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648-AA31

280. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None.

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Draft study issued	04/00/85	
Final Action	08/30/85	50 FR 35210
Completion of Study	09/00/88	

Small Entity: No

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court Decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: James P. Blizzard, Deputy Director, Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5111

RIN: 0648-AA34

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

281. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 970, (Exploration Regulations); 15 CFR 971

Legal Deadline: None.

DOC—NOAA **Final Rule Stage**

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations (15 CFR 971), prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	07/25/86	51 FR 26794
Public Hearings, 08/26/86, 09/11/86 and	09/09/86	51 FR 26794
NPRM Comment Period End	11/24/86	
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Additional Information: A preliminary RIA & RFA have been prepared for the commercial regulations to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The preliminary RIA and RFA are available as is the programmatic environmental impact statement and the supplemental environmental assessment.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; See Additional Information

Agency Contact: James P. Lawless, Chief, Oceans Minerals and Energy Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 1825 Connecticut Ave., NW, Suite 710, Washington, DC 20235, 202 673-5121

RIN: 0648-AA36

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

282. U.S. GENERAL STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Legal Deadline: None.

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards. The timetable for this action is very tentative. Further research will be needed before publication of the rule.

Timetable:

Action	Date	FR Cite
Withdrawn No action has been scheduled for this item	10/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Gail P. Blaufarb, Food Technologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 673-5374

RIN: 0648-AA45

283. AMENDMENT 10 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 671

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: A major amendment to the existing Tanner crab fishery management plan which would expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons (similar to the proposal contained in Amendment 9 which was partially disapproved by the Secretary). The amendment also may modify optimum yields, pot storage areas, and fishery management boundaries so that FCZ intrusions into State of Alaska waters would fall under State management. This amendment will be developed during the temporary one year suspension of Federal Tanner crab regulations. The amendment is to take effect November 1, 1987, when the new fishing year begins.

Timetable:

Action	Date	FR Cite
Withdrawn - no action contemplated during reporting period	02/27/87	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 FAKR, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB38

284. FOREIGN PERMIT CONDITIONS AND RESTRICTIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611

Legal Deadline: None.

Abstract: The action will address the question of what conditions and restrictions are appropriate for the issuance of foreign fishing permits. The results of an advance notice of proposed rulemaking will be analyzed and a final decision made on whether further action is needed.

Timetable:

Action	Date	FR Cite
Withdrawn - no action expected during reporting period	02/27/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5319**

RIN: 0648-AB67

285. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1987

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611.22

Legal Deadline: Statutory, January 1, 1987.

Abstract: This rule will set poundage and permit fees for foreign fishing in 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/14/86	51 FR 36569
NPRM Comment Period End	11/13/86	51 FR 36569
Final Action	01/06/87	52 FR 417
Final Action Effective	01/06/87	52 FR 417

Small Entity: No

Additional Information: A regulatory impact review was prepared and available in September 1986.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5315**

RIN: 0648-AB69

286. FISHERY RESOURCES OF PUERTO RICO AND THE VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Legal Deadline: Statutory. 110 days after it is submitted by the fishery management council.

Abstract: Overfishing of finfish and shellfish by a large fleet of small boat artisanal fishermen is a serious problem. A variety of size limits and seasons are being considered applicable to the species that require protection. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
Withdrawn - Action will not be completed by the Council	02/27/87	
NPRM	10/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	
Final Action Effective	02/00/88	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB71

287. AMENDMENT 7 TO THE PLAN MANAGING THE COMMERCIAL AND RECREATIONAL OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 661

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment (1) provides a formula for annual alteration of the escapement goal for Oregon coastal natural coho salmon based on stock abundance, (2) increases the flexibility of inseason management provisions to be more responsive to changing biological, social and economic conditions during the season and (3) modifies the allocation scheme for coho salmon south of Cape Falcon, Oregon to provide the optimum yield to recreational and commercial fisheries at varying stock abundance levels.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42273
NPRM Comment Period End	01/02/87	51 FR 42273
Final Action	02/10/87	52 FR 4146

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648-AB73

288. AMENDMENT 1 TO THE REEF FISH FISHERY OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 641, (Revision)

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: There is an increasing harvest of snappers and groupers by the longline fishery and some indications of growth overfishing. The recreational fishery continues to harvest many small red snappers. The alternatives are seasons and area closures for the longline fishery and control of recreational fishing for red snapper by area and season. The benefits are estimated to exceed the costs.

Timetable:

Action	Date	FR Cite
Action has been deferred -- no action during reporting period	02/27/87	
NPRM	03/03/87	
NPRM Comment Period End	04/17/87	
Final Action	06/23/87	

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB75

289. AMENDMENT 15 TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will (1) establish new goals for the management of groundfish; (2) establish an administrative framework procedure for setting harvest levels without an FMP amendment; (3) redefine catcher/processor and mothership vessels for purposes of compliance with reporting requirements; (4) establish a time/area closure scheme to protect king crab around Kodiak Island; and (5) provide a basis for regulatory authority for inseason adjustments.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44812
NPRM Comment Period End	01/17/87	51 FR 44812
Final Action	03/13/87	52 FR 7868

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB76

290. AMENDMENT NO. 2 FOR THE FISHERY MANAGEMENT PLAN FOR THE WASHINGTON, OREGON, AND CALIFORNIA GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 663

Legal Deadline: Statutory. 110 days after the amendment is submitted by the fishery management council.

Abstract: This amendment will (1) remove a subarea optimum yield (OY) for sablefish in Monterey Bay; (2) require identification markings on fixed gear; and (3) framework gear provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39766
NPRM Comment Period End	01/09/87	51 FR 39766
Final Action	02/18/87	52 FR 4910

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, FNWR, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648-AB77

291. TAKING OF MARINE MAMMALS INCIDENTAL TO ON-ICE SEISMIC ACTIVITIES

Legal Authority: 16 USC 1361 to 1407 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228.11 to 228.14

Legal Deadline: None.

Abstract: Based on a request from the marine geophysical exploration industry, NMFS is issuing regulations that would allow a small number of ringed seals to be taken incidentally as a result of seismic exploration on the ice in the Beaufort Sea from 1987 through 1991. The current regulations expired December 31, 1986. Section 101(a)(5) of the Marine Mammal Protection Act allows the taking of small numbers of marine mammals incidental to specified activities provided that certain findings can be made and regulations are established which set forth permissible methods of taking and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/86	51 FR 13539
ANPRM Comment Period End	05/21/86	51 FR 13539
NPRM	10/31/86	51 FR 39762
NPRM Comment Period End	12/01/86	51 FR 39762
Final Action	01/12/87	52 FR 1197

Small Entity: No

Additional Information: An environmental assessment was prepared.

Government Levels Affected: Federal

Agency Contact: R. B. Brumsted, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species & Habitat Cons., Washington, DC 20235, 202 673-5349

RIN: 0648-AB78

292. AMENDMENT NO. 1 TO THE FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH/SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 683

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: The rule 1) establishes a monitoring scheme and authority for future management actions in the FCZ, 2) prohibits the use of bottom trawls and bottom set gill nets, 3) prohibits the use of poisons and explosives, 4) establishes a moratorium on fishing for seamount groundfish in the Hancock Seamount, and 5) establishes a permit requirement for vessels fishing in the Northwestern Hawaiian Islands.

Timetable:

Action	Date	FR Cite
NPRM	05/07/86	51 FR 17370
NPRM Comment Period End	06/20/86	51 FR 17370
Final Action	07/31/86	51 FR 27413
Final Action Effective	08/27/86	51 FR 27413

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Terminal Island, CA 90731, 213 514-6196

RIN: 0648-AB80

293. SECRETARIAL FISHERY MANAGEMENT PLAN FOR THE DRUM FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 653

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: The Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico was prepared by the Secretary of Commerce to provide interim measures to limit the directed harvest of red drum in the fishery conservation zone of the Gulf of Mexico. Operators in the fishery are requested to have permits and report their catches.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36035
NPRM Comment Period End	11/08/86	51 FR 36035
Final Action Effective	12/23/86	51 FR 46675
Final Action	12/24/86	51 FR 46675

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648-AB82

294. AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR THE GROUNDFISH FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 675

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: Amendment to the existing fishery management plan for the groundfish fishery of the Bering Sea and Aleutian Islands area to provide framework measures to regulate bycatch of Tanner crab, king crab, and halibut in the joint venture and domestic trawl fisheries. Amendment 10 also would authorize reallocation within DAH, provide authority to implement conservation emergency closures through rule-related notices, and make minor changes to catcher/processor mothership reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/18/86	51 FR 45349
NPRM Comment Period End	01/22/87	51 FR 45349
Final Action	03/19/87	52 FR 8592
Final Action Effective	04/13/87	

Small Entity: Yes

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 F/AKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB84

295. SECRETARIAL AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 650

Legal Deadline: Statutory. 110 days after the amendment is submitted by the Fishery Management Council.

Abstract: This amendment 1) supersedes amendment 1 to the FMP and restores the management measures of the original FMP, 2) establishes a meat count standard of 30 meats per pound, 3) adds a regulatory exemption for experimental fishing beneficial to the scallop resource or fishery, and 4) revises the sampling criteria used to measure compliance with the meat count measure.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40468
NPRM Comment Period End	12/19/86	51 FR 40468
Final Action Effective	12/30/86	52 FR 1462
Final Action	01/14/87	52 FR 1462

Small Entity: No

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB85

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

National Telecommunications and Information Administration (NTIA)

296. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM: REPORT AND ORDER (FINAL RULES), FUNDING PRIORITIES AND POLICY STATEMENT

Legal Authority: 47 USC 390 to 394; 47 USC 397 to 399b

CFR Citation: 15 CFR 2301

Legal Deadline: None.

Abstract: NTIA has administered the Public Telecommunications Facilities Program (PTFP) for two years under an interim revision of rules. These final rules are designed to reduce applicant burdens and simplify applications requirements. Deletions from prior rules include: local public notice and submission of site leases with initial applications. Grant recipients within the past ten years need not submit full eligibility documentation. Equipment inventories need only include the type(s) of equipment requested. NTIA seeks information on applicants' non-Federal financial support and capital replacement policies, and encourages applicants with the ability to increase their share of project costs. NTIA states its policy to prefer applicants requesting 50% or less PTFP funding for broadcast equipment replacements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/18/84	49 FR 36600
NPRM	12/04/86	51 FR 43804
NPRM Comment Period End	01/05/87	
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, **202 377-1835**

RIN: 0660-AA01

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of Productivity, Technology and Innovation (OPTI)

297. ● LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None.

Abstract: This action will revise 37 CFR 404 to simplify the process by which US industry can obtain license to patented inventions owned by the Government. P.L. 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	11/30/87	
Final Action	02/29/88	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: Norman J. Latker, Director, Federal Technology Management, Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA04

DEPARTMENT OF COMMERCE (DOC)

Final Rule Stage

Office of Productivity, Technology and Innovation (OPTI)

298. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None.

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13524
Interim Final Rule	07/14/86	51 FR 25508
Final Action	03/31/87	
Final Action Effective	03/31/87	

Small Entity: Yes

Agency Contact: Norman Latker, Director, Federal Technology Management of Policy Division, Department of Commerce, Office of Productivity, Technology and Innovation, Room H 4837, Washington, DC 20230, **202 377-0659**

RIN: 0692-AA01

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Prerule Stage

299. TERM OF DEPOSIT OF MICROORGANISM

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to set the duration of a microorganism deposit for patent purposes in accordance with the Budapest Treaty.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	06/00/87	
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Charles E. Van Horn, Director, Examining Group 120, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3637

RIN: 0651-AA13

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

300. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None.

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	11/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, 703 557-4035

RIN: 0651-AA04

301. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None.

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	08/16/85	50 FR 33062
NPRM Comment Period End	10/31/85	
Notice	12/27/85	50 FR 52963
NPRM	06/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley D. Schlosser, Legislative and International Specialist, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651-AA12

302. TRADEMARK APPLICATIONS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None.

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984). Since this decision has been appealed, any regulatory action will have to await the outcome of the judicial review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3268

RIN: 0651-AA23

DOC—PTO

Proposed Rule Stage

303. MISCELLANEOUS AMENDMENTS OF PATENT RULES

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR 1.14; 37 CFR 1.131; 37 CFR 1.194; 37 CFR 1.612; 37 CFR 1.637; 37 CFR 1.658; 37 CFR 5.3

Legal Deadline: None.

Abstract: PTO plans to amend its rules of practice to clarify the procedure in patent interference cases.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Saul I. Serota, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4072

RIN: 0651-AA25

304. UNITY OF INVENTION AND PATENT COOPERATION TREATY, CHAPTER II

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 99-616

CFR Citation: 37 CFR 1.8; 37 CFR 1.61; 37 CFR 1.70; 37 CFR 1.101; 37 CFR 1.141; 37 CFR 1.401; 37 CFR 1.414; 37 CFR 1.416; 37 CFR 1.431; 37 CFR 1.432; 37 CFR 1.445; 37 CFR 1.475; 37 CFR 1.480; 37 CFR 1.481; 37 CFR 1.482; ...

Legal Deadline: Statutory. Three months after withdrawal of our reservation as to Chapter II of PCT.

Abstract: Public Law 99-616, enacted November 6, 1986, authorizes the U.S. Patent and Trademark Office to act as an International Preliminary Examining Authority and as an elected Office for international applicants under Chapter II of the Patent Cooperation Treaty. Chapter II provides for an International Preliminary Examination Report to be established and allows at least 30 months from the priority date for entry into the national phase. Regulations must be established to implement requirements and time periods for entry into the national phase and set fees to cover processing costs, including the cost covered by 35 USC 376 of searching and examining international applications with claims to different categories of invention in a single international application.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Louis O. Maassel, Editor, Manual of Patent Examining Procedure, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3070

RIN: 0651-AA26

305. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None.

Abstract: 37 CFR 1.56 and 1.97- .99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA27

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

306. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None.

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance & Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1572

RIN: 0651-AA18

307. ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Legal Deadline: None.

DOC—PTO

Final Rule Stage

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	50 FR 02294
NPRM	09/15/86	51 FR 32756
NPRM Comment Period End	11/14/86	
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Michael Sofocleous, Examiner-In-Chief, BD of Pat. Appeals and Interferences, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4000

RIN: 0651-AA20

308. RULES FOR EXTENSION OF PATENT TERM

Significance: Regulatory Program

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Legal Deadline: None.

Abstract: PTO plans to propose changes in its rules of practice in patent cases to specify procedures and fees for extending the terms of patents pursuant to the provisions of Public Law 98-417 for the restoration of up to 5 years of the loss in a patent term due to regulatory delays.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27205
NPRM Comment Period End	09/10/86	51 FR 27205
Final Action	07/00/87	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Charles E. Van Horn, Director, Examining Group 120, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3637

RIN: 0651-AA22

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

309. MISCELLANEOUS AMENDMENTS OF TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.1; 37 CFR 2.101(b); 37 CFR 2.104; 37 CFR 2.112(a); 37 CFR 2.114(c); 37 CFR 2.132(c); 37 CFR 2.145(d)

Legal Deadline: None.

Abstract: PTO proposes amendment of the trademark rules to improve or clarify inter partes and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/11/84	49 FR 24033
NPRM Comment Period End	07/18/84	49 FR 24033
Final Action	08/11/86	51 FR 28707
Final Action Effective	09/10/86	51 FR 28707

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Crystal Square 5, Suite 1008, Washington, DC 20231, 703 557-3551

RIN: 0651-AA16

310. TRADEMARK APPLICATIONS

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.21; 37 CFR 2.52; 37 CFR 2.54; 37 CFR 2.58

Legal Deadline: None.

Abstract: PTO proposes amendment of its trademark rules to codify and improve procedures for processing trademark applications.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30749
NPRM Comment Period End	10/30/84	
Final Action	08/21/86	51 FR 29920
Final Action Effective	09/22/86	51 FR 29920

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ellen J. Seeherman, Staff Assistant, Department of Commerce, Patent and Trademark Office, Crystal Plaza 3, Room 11C17, Washington, DC 20231, 703 557-7464

RIN: 0651-AA17

311. UNITY OF INVENTION - INTERNATIONAL APPLICATIONS

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 376

CFR Citation: 37 CFR 1.445; 37 CFR 1.481

Legal Deadline: None.

Abstract: The Patent and Trademark Office is combining this planned amendment of its rules of practice in patent cases with the planned provisions for implementing Chapter II of the Patent Cooperation Treaty (RIN 0651-AA26). The combination (under RIN 0651-AA26) will include with the

implementing provisions, the adjustment in the level of certain processing fees for international applications specified in RIN 0651-AA28.

Timetable:

Action	Date	FR Cite
Combined with RIN 0651-AA26	02/27/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Louis O. Maassel, Editor, Manual of Patent Examining Procedure, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651-AA28

[FR Doc. 87-6602 Filed 04-24-87; 8:45 am]

BILLING CODE 3510-BW-T

federal register

Monday
April 27, 1987

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and therefore are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in October 1987. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Ms. Anne M. Jeffery, telephone 202-746-0664 or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act; and

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

D. O. Cooke,

Deputy Assistant Secretary of Defense (Administration).

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291: None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610: The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents cause significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511: None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement: None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
312	Presentation of DoD-Sponsored Scientific and Technical Papers at Meetings (DoD Instruction 5230.XX)	0790-AA59
313	DoD Freedom of Information Act Program (DoD Directive 5400.7 and DoD 5400.7-R)	0790-AA65
314	Procedures Governing Credit Unions on DoD Installations (DoD Instruction 1000.10)	0790-AA66
315	Procedures Governing Banking Offices on DoD Installations (DoD Instruction 1000.12)	0790-AA67
316	Coordination of Benefits (DoD Instruction 6010.XX)	0790-AA68
317	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of Pub. L. 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
318	Commercial Activities Program; Procedures (DOD Instruction 4100.33)	0790-AA73
319	Reporting Procedures on Defense Related Employment (DoD Directive 7700.15)	0790-AA74
320	Personal Commercial Solicitation on DoD Installations (DoD Directive 1344.7)	0790-AA76
321	Standards of Conduct (DoD Directive 5500.7)	0790-AA78

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
322	Organization, Functions, and Authority Delegations; Defense Logistics Agency (DoD Directive 5105.22)	0790-AA62
323	Defense Advanced Research Projects Agency (DoD Directive 5105.41)	0790-AA63
324	Availability of DoD Directives, DoD Instructions, DoD Publications, and Changes	0790-AA64
325	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Heart Transplantation (DoD 6010.8-R, Amendment 3)	0790-AA69
326	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Adjunctive Dental Benefit (DoD 6010.8-R, Amendment 2)	0790-AA70
327	DoD Medical Program Review Committee (MPRC)(DoD Directive 6035.2)	0790-AA72
328	Mobilization of the Ready Reserve (DoD Directive 1235.10)	0790-AA75
329	Training Simulators and Devices (DoD Directive 1430.13)	0790-AA77

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
330	The Army General Counsel's Honors Programs	0702-AA00
331	Airfield Certification and Use of Army Airfields by Other than US Department of Defense Aircraft	0702-AA02

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
332	Controlling Access to Main Cantonment Area, Fort Lewis Military Reservation, Washington and Prohibiting Certain Forms of Conduct Upon Fort Lewis Military Reservation	0702-AA15
333	Regulations Affecting Military Reservations; Firearms and Weapons	0702-AA16

Department of the Army—Completed Actions

Sequence Number	Title	Regulation Identifier Number
334	Army National Cemeteries	0702-AA07

DOD

U.S. Army Corps of Engineers—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
335	Corps of Engineers Management of Army and Air Force Real Property	0710-AA14

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
336	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D--Endangered Species Counterpart Regulations	0710-AA17
337	Regulatory Program of the Corps of Engineers, Nationwide Permits	0710-AA20

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
338	Environmental Quality, Procedures for Implementing the National Environmental Policy Act (NEPA)	0710-AA11
339	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12

U.S. Army Corps of Engineers—Completed Actions

Sequence Number	Title	Regulation Identifier Number
340	Consolidated Regulatory Program of the Corps of Engineers	0710-AA04
341	Regulatory Program of the Corps of Engineers, Part 326 - Enforcement	0710-AA15

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
342	Delivery of Personnel; Service of Process and Subpoena; Production of Official Records	0703-AA14

Department of the Navy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
343	Availability of Records and Publication of Department of the Navy Documents Affecting the Public	0703-AA17
344	Revision of Definition of Entry Level Separation	0703-AA18
345	Unofficial Use of the Seal, Emblem, Names, or Initials of the Marine Corps	0703-AA19

DOD

Department of the Air Force—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
346	Foreign Tax Relief Program (AFR 110-18)	0701-AA12
347	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14
348	Delivery of Air Force Personnel to U.S. Civilian Authorities for Trial (AFR 111-11)	0701-AA20
349	Environmental Impact Analysis Process (ANGR 19-02)	0701-AA22

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
350	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
351	Claims and Tort Litigation (AFR 112-1)	0701-AA19
352	Issuing Certificates in Lieu of Lost or Destroyed Certificates of Separation (AFR 35-96)	0701-AA21
353	Personal Financial Responsibility (AFR 35-18)	0701-AA23
354	Personal Commercial Affairs (AFR 211-16)	0701-AA24

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
355	Aircraft Arresting Systems (AFR 55-42)	0701-AA17

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
356	Use of USAF Installations by Other than U.S. DoD Aircraft (AFR 55-20)	0701-AA02

DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

Office of the Secretary (OS)

312. PRESENTATION OF DOD-SPONSORED SCIENTIFIC AND TECHNICAL PAPERS AT MEETINGS (DOD INSTRUCTION 5230.XX)

Legal Authority: PL 98-94; 10 USC 140c

CFR Citation: 32 CFR 249

Legal Deadline: None.

Abstract: This part provides policy and procedural guidance for considering national security in the dissemination of DoD-sponsored scientific and technical information at meetings, whether such meetings are conducted by the U.S. Government or private organizations.

DOD—OS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5210
NPRM Comment Period End	03/14/86	51 FR 5210
Final Action	12/00/87	

Small Entity: No

Agency Contact: F. Sobieszcyk, Department of Defense, Office of the Secretary, **202 694-0205**

RIN: 0790-AA59

313. ● DOD FREEDOM OF INFORMATION ACT PROGRAM (DOD DIRECTIVE 5400.7 AND DOD 5400.7-R)

Legal Authority: PL 99-661; 5 USC 552

CFR Citation: 32 CFR 286

Legal Deadline: None.

Abstract: This proposed rule is published pursuant to the requirements imposed by section 954 of the National Defense Authorization Act for fiscal year 87 and PL 99-661. It provides the criteria for the collection of fees and fee rates for such technical data.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 802
NPRM Comment Period End	02/09/87	52 FR 802
Final Action	00/00/00	

Small Entity: No

Agency Contact: C. Talbott, Department of Defense, Office of the Secretary, **202 697-1180**

RIN: 0790-AA65

314. ● PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.10)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231a

Legal Deadline: None.

Abstract: This amendment proposes to modify procedures for lease of land to credit unions that construct buildings on DoD installations. This proposed amendment permits DoD Components to negotiate for (1) extension of leases prior to expiration and (2) credit union payment of rent, maintenance, utilities and services once title to leasehold improvements passes to the Government.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40828
NPRM Comment Period End	12/10/86	51 FR 40828
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, **202 697-8281**

RIN: 0790-AA66

315. ● PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.12)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 230

Legal Deadline: None.

Abstract: This proposed change in leasing policies for buildings constructed onbase by banking offices results from a Model Installation Waiver Request and is consistent with similar provisions for credit unions now being circulated for comment. If adopted, the change would permit banks to retain title to buildings constructed at their expense beyond the current 25-year limit.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 90
NPRM Comment Period End	02/02/87	52 FR 90
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, **202 697-8281**

RIN: 0790-AA67

316. ● COORDINATION OF BENEFITS (DOD INSTRUCTION 6010.XX)

Legal Authority: PL 99-272; 10 USC Chapter 55

CFR Citation: 32 CFR 220

Legal Deadline: None.

Abstract: This part is to comply with PL 99-272. It also informs the public that the Department of Defense shall collect from third-part payers the reasonable inpatient hospital care costs incurred on behalf of retirees and dependents.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36023
NPRM Comment Period End	11/07/86	51 FR 36023
Final Action	00/00/00	

Small Entity: No

Agency Contact: J. Maddy, Department of Defense, Office of the Secretary, **202 694-3242**

RIN: 0790-AA68

317. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PUB. L. 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR Part 199) to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Final Action	00/00/00	

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA71

318. ● COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169; 32 CFR 169a; 32 CFR 171

Legal Deadline: None.

Abstract: This instruction establishes DoD policies to implement OMB Circular No. A-76, which are currently included in 32 CFR Part 169. It establishes procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD

personnel in-house or by contract with commercial sources. 32 CFR Part 169, "Commercial Activities Program" and 32 CFR Part 169a, "Commercial Activities Program Procedures" are proposed to be removed in their entirety.

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43619
NPRM Comment Period End	01/02/87	51 FR 43620
Final Action	00/00/00	

Small Entity: No

Agency Contact: D. Hansen, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790-AA73

319. ● REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT (DOD DIRECTIVE 7700.15)

Legal Authority: 50 USC 1436

CFR Citation: 32 CFR 166

Legal Deadline: None.

Abstract: This part is designed to establish criteria and procedures for reports required of certain former and retired military officers, former civilian officers and employees of the Department of Defense presently employed by defense contractors presently employed by the Department of Defense. It is formulated to implement 10 U.S.C. 2397.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40820
NPRM Comment Period End	12/10/86	51 FR 40820
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, **202 695-3272**

RIN: 0790-AA74

320. ● PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS (DOD DIRECTIVE 1344.7)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 43

Legal Deadline: None.

Abstract: This proposed change would apply to the provisions reflected in Part 43 to Defense Agencies, since certain agencies are located on DoD installations and fall under the term "DoD Installation" as defined in Part 43. It would allow an exception to the prohibition on advertising addresses or telephone numbers of commercial sales activities for members of military families authorized to conduct such activities in family housing.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35535
NPRM Comment Period End	11/05/86	51 FR 35535
Final Action	00/00/00	

Small Entity: No

Agency Contact: B. Schoenberger, Department of Defense, Office of the Secretary, **202 697-9525**

RIN: 0790-AA76

321. ● STANDARDS OF CONDUCT (DOD DIRECTIVE 5500.7)

Legal Authority: PL 87-651; 5 USC 301

CFR Citation: 32 CFR 40

Legal Deadline: None.

Abstract: This part is designed to prescribe standards of conduct required of all DoD personnel, regardless of assignment. It is being formulated to reflect statutory and regulatory changes. This action will provide updated guidelines of DoD personnel to observe when making decisions or taking action.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31651
NPRM Comment Period End	11/03/86	51 FR 31651
Final Action	00/00/00	

Small Entity: No

Agency Contact: R. DuFresne, Department of Defense, Office of the Secretary, **202 695-3272**

RIN: 0790-AA78

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

322. ● ORGANIZATION, FUNCTIONS, AND AUTHORITY DELEGATIONS; DEFENSE LOGISTICS AGENCY (DOD DIRECTIVE 5105.22)

Legal Authority: 10 USC Chapter 4

CFR Citation: 32 CFR 359

Legal Deadline: None.

Abstract: This part has been updated to reflect current reporting relationships, consolidate the statement of functions, and conform to current editorial format.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/15/86	51 FR 32309
Final Action	09/11/86	51 FR 32309

Small Entity: No

Agency Contact: H. Becker, Department of Defense, Office of the Secretary, **202 697-0709**

RIN: 0790-AA62

323. ● DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DOD DIRECTIVE 5105.41)

Legal Authority: 10 USC Chapter 4

CFR Citation: 32 CFR 358

Legal Deadline: None.

Abstract: This part has been updated to add responsibility for the conduct of prototype projects, delegate contracting authority, and reflect current reporting relationships. In addition, changes have been made to update references and to conform to current editorial format.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/86	51 FR 37571
Final Action	10/23/86	51 FR 37571

Small Entity: No

Agency Contact: H. Becker, Department of Defense, Office of the Secretary, **202 697-0709**

RIN: 0790-AA63

324. ● AVAILABILITY OF DOD DIRECTIVES, DOD INSTRUCTIONS, DOD PUBLICATIONS, AND CHANGES

Legal Authority: 10 USC 133; 31 USC 483a

CFR Citation: 32 CFR 289

Legal Deadline: None.

Abstract: This rule updates DoD procedures and covers revisions on the availability of DoD Directives, DoD Instructions, DoD Publications, and Changes to the public and U.S. Government Agencies other than the Department of Defense. It also identifies the increase in subscription cost.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/86	51 FR 41962
Final Action	11/20/86	51 FR 41962

Small Entity: No

Agency Contact: L. Lawson, Department of Defense, Office of the Secretary, **202 697-4111**

RIN: 0790-AA64

325. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); HEART TRANSPLANTATION (DOD 6010.8-R, AMENDMENT 3)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This amendment provides for coverage by the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) of the costs of heart transplantation. The amendment is necessary to state the conditions under which heart transplantation will be cost-shared by CHAMPUS.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/86	51 FR 44601
Final Action	12/11/86	51 FR 44601

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA69

326. ● CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ADJUNCTIVE DENTAL BENEFIT (DOD 6010.8-R, AMENDMENT 2)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None.

Abstract: This final rule will revise DoD 6010.8-R (32 CFR Part 199) which implements the Civilian Health and Medical Program of the Uniformed Services. The rule will allow for payment of dental care when performed in preparation for medical treatment of a disease or disorder or required as the result of iatrogenic dental trauma or complications caused by medically necessary treatment of an injury or a disease.

Timetable:

Action	Date	FR Cite
Final Action	10/08/86	51 FR 36008
Final Action Effective	10/08/86	51 FR 36008

Small Entity: No

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA70

327. ● DOD MEDICAL PROGRAM REVIEW COMMITTEE (MPRC)(DOD DIRECTIVE 6035.2)

Legal Authority: 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 198

Legal Deadline: None.

Abstract: This part is the charter for the DoD Medical Program Review Committee (MPRC). The MPRC is being established as directed by the Secretary of Defense memorandum, dated June 20, 1986. It outlines the purpose, organization, and responsibilities of the MPRC.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/15/86	51 FR 41784
Final Action	11/19/86	51 FR 41784

Small Entity: No

Agency Contact: E. Reynolds, Department of Defense, Office of the Secretary, **202 694-3242**

RIN: 0790-AA72

328. ● MOBILIZATION OF THE READY RESERVE (DOD DIRECTIVE 1235.10)

Legal Authority: 10 USC 280

CFR Citation: 32 CFR 76

Legal Deadline: None.

Abstract: This revision spells out more clearly and in detail DoD policy on manning, equipping and training the Ready Reserve in preparation of mobilization. It stipulates screening requirements to ensure that Ready Reserve members can mobilize without delay when ordered and includes provisions for the Services to annually screen the Individual Ready Reserve (IRR).

Timetable:

Action	Date	FR Cite
Final Action Effective	10/24/86	51 FR 44462
Final Action	12/06/86	51 FR 44462

Small Entity: No

Agency Contact: E. Kufeldt, Department of Defense, Office of the Secretary, **202 697-0626**

RIN: 0790-AA75

329. ● TRAINING SIMULATORS AND DEVICES (DOD DIRECTIVE 1430.13)

Legal Authority: 5 USC 301; 10 USC 133

CFR Citation: 32 CFR 73

Legal Deadline: None.

Abstract: This part establishes training simulator and device development, acquisition, and utilization policy; provides guidance for establishing Service policy for training simulators and devices; and, authorizes the Department of Defense to use training simulators and devices to make training systems more effective and to help maintain military readiness. The part

DOD—OS

Completed Actions

emphasizes the concepts of training simulators and devices as part of a total training system and concurrency of those training simulators and devices with the system supported.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/22/86	51 FR 35512
Final Action	10/06/86	51 FR 35512

Small Entity: No

Agency Contact: R. Croach, Department of Defense, Office of the Secretary, **202 695-0975**

RIN: 0790-AA77

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army, DoD.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army which updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.); has priority status; or is a major rule under E.O. 12291. The regulation Airfield Certification and Use of Army Airfield by other than US Department of Defense Aircraft contains OMB approved reporting requirements as specified under "The Paperwork Reduction Act." None of the regulations come under GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, please contact the specific individual. For general information, please contact Mr. John O. Roach, telephone 202-325-6040 or write HQDA, DAIM-APG, Room 1132, Hoffman I, Alexandria, VA 22331-0301.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

330. THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None.

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, **202 695-0562**

RIN: 0702-AA00

331. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
End Review	06/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, **703 272-7796**

RIN: 0702-AA02

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Final Rule Stage

332. ● CONTROLLING ACCESS TO MAIN CANTONMENT AREA, FORT LEWIS MILITARY RESERVATION, WASHINGTON AND PROHIBITING CERTAIN FORMS OF CONDUCT UPON FORT LEWIS MILITARY RESERVATION

Legal Authority: 10 USC 3012; 18 USC 1832; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: Fort Lewis has been declared a closed post and it is intended that these regulations will give notice to members of the public of the rules governing entry to the Main Cantonment Area of the Fort Lewis Military Reservation, Fort Lewis, Washington, and certain conduct prohibited upon Fort Lewis Military Reservation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: Not Applicable

Agency Contact: Capt. John McDaniel, Principal Attorney, Department of Defense, Department of the Army, Office of the Staff Judge Advocate, I Corps and Fort Lewis, ATT: AFZH-JAA, Ft. Lewis, WA 98433, **206 967-6153**

RIN: 0702-AA15

333. ● REGULATIONS AFFECTING MILITARY RESERVATIONS; FIREARMS AND WEAPONS

Legal Authority: 10 USC 3012; 15 USC 1601; 18 USC 1382; 31 USC 72; 40 USC 258a; 41 USC 14; 50 USC 797

CFR Citation: 32 CFR 552

Legal Deadline: None.

Abstract: This regulation establishes the criteria for possessing, carrying, concealing, and transporting firearms and/or other deadly or dangerous weapons on the Fort Stewart/Hunter Army Airfield installation. This regulation provides guidance on prohibited items and the requirements for possessing, use, and storage under certain conditions for anyone (military or civilian) employed on visiting, or traveling through on the above installation.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 4497
NPRM Comment Period End	02/16/87	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Cpt Richard Luebke, Principal Attorney, Department of Defense, Department of the Army, Commander, 24th Infantry Div (Mech) & Ft. Stewart, ATT: AFZP-JAA, Ft. Stewart, GA 31314, **912 767-2953**

RIN: 0702-AA16

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Completed Actions

334. ARMY NATIONAL CEMETERIES

Legal Authority: 24 USC Chapter 7

CFR Citation: 32 CFR 553

Legal Deadline: None.

Abstract: To publish revised guidelines and administration of Arlington National Cemetery and the Soldiers Home National Cemetery.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	12/10/85	50 FR 50315
End Review	01/00/86	
Final Action	05/30/86	51 FR 19708
Final Action Effective	05/30/86	51 FR 19708

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Harriet Antiporowich, Department of Defense, Department of the Army, US Army Military District of Washington, Washington, DC 22211-5003, **202 695-3191**

RIN: 0702-AA07

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Prerule Stage

335. CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Legal Deadline: None.

Abstract: Chapter 8 of ER 405-1-12 is mainly comprised of instructions and guidance relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register. Excerpts of applicable parts will be proposed for publication by December 1986.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: DAEN-REP, Washington, DC 20314-1000, **202 272-0522**

RIN: 0710-AA14

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

336. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None.

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and state resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA17

337. ● REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, NATIONWIDE PERMITS

Legal Authority: 33 USC 403; 33 USC 1344

CFR Citation: 33 CFR 330

Legal Deadline: None.

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
Final Action	08/30/87	

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Agency Contact: John Studt, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, DAEN-CWO-N, 202 272-0199

RIN: 0710-AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

338. ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Significance: Regulatory Program

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Legal Deadline: None.

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	06/30/87	

Small Entity: No

Additional Information: Additional agency contact: Ms. Janet O'Neill (202) 272-0201

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWR-E, 202 272-0166

RIN: 0710-AA11

339. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None.

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	06/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Bernard N. Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Completed Actions

340. CONSOLIDATED REGULATORY PROGRAM OF THE CORPS OF ENGINEERS

Significance: Regulatory Program

Legal Authority: 33 USC 403; 33 USC 1413; 33 USC 1344

CFR Citation: 33 CFR 320 to 330

Legal Deadline: None.

Abstract: Program policies and procedures for the conduct of the Regulatory Program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/82	47 FR 31794
Amendments proposed NPRM	05/12/83	48 FR 21466
NPRM Lawsuit Settlement Revisions (33 CFR 320, 323, 325, 330)	03/29/84	49 FR 12260
Publish Final Lawsuit Rules	10/05/84	49 FR 39478
Final Action	11/13/86	51 FR 41206
Final Action Effective	01/12/87	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, businesses and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Affected Sectors: None

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA04

341. REGULATORY PROGRAM OF THE CORPS OF ENGINEERS, PART 326 - ENFORCEMENT

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 326

Legal Deadline: None.

Abstract: The Corps of Engineers is proposing to amend 33 CFR Part 326 to reflect the sequence of enforcement actions, to clarify ambiguous procedures and language, and to provide district engineers with the flexibility needed to resolve violations in the most effective manner and to be able to concentrate existing staff resources on the most critical enforcement actions. Some procedures in this part would be revised to provide for a more practical approach to certain enforcement problems. These regulations, if finalized would reduce the costs of enforcing the regulatory program.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	03/30/86	
Final Action	11/13/86	51 FR 9691
Final Action Effective	01/12/87	

Small Entity: No

Additional Information: The proposed revision to 33 CFR 326 was combined with the item entitled "Regulatory Programs of the Corps of Engineers Consolidated", which was published as a final rule in the Federal Register on November 13, 1986 with an effective date of January 12, 1987.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local

Agency Contact: Bernard N. Goode, Chief, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0199

RIN: 0710-AA15

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy, DoD.

ACTION: This agenda updates the report published on October 27, 1986 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: None of the regulations contained in this agenda meets the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), has priority status, is a major rule under E.O. 12291, or contains reporting requirements under the "Paperwork Act." Further, none of the regulations comes under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, DC 20350-2000.

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

342. DELIVERY OF PERSONNEL; SERVICE OF PROCESS AND SUBPOENA; PRODUCTION OF OFFICIAL RECORDS

Legal Authority: 5 USC 301; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 720

Legal Deadline: None.

Abstract: To revise and clarify rules on litigation.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: CDR William Henderson, Department of Defense, Department of the Navy, Judge Advocate General, 200 Stovall St., Alexandria, VA 22332, 202 325-9870

RIN: 0703-AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

343. ● AVAILABILITY OF RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Legal Authority: 5 USC 552, (As amended by PL 93-502); 32 CFR Part 286; 32 CFR Part 196 Subpart E

CFR Citation: 32 CFR 701, (Amended)

Legal Deadline: None.

Abstract: To provide addresses for requests for Department of the Navy records and locations where Department of the Navy records are available for public inspection.

Timetable:

Action	Date	FR Cite
Final Action	11/26/86	51 FR 42836

Small Entity: No

Agency Contact: Mrs. G. R. Aitken, Department of Defense, Department of the Navy, Chief of Naval Operations (OP-09B30), Washington, DC 20350-2000, 202 694-2817

RIN: 0703-AA17

344. ● REVISION OF DEFINITION OF ENTRY LEVEL SEPARATION

Legal Authority: 5 USC 301; 10 USC 1553

CFR Citation: 32 CFR 724, (Amendment)

Legal Deadline: None.

Abstract: This amendment revises the definition of Entry Level Separation.

Timetable:

Action	Date	FR Cite
Final Action	12/15/86	51 FR 44908

Small Entity: No

Agency Contact: Capt. L. E. Hilder, Department of Defense, Department of the Navy, Naval Council of Personnel Boards, Arlington, VA 22203-1989, 202 696-4881

RIN: 0703-AA18

345. ● UNOFFICIAL USE OF THE SEAL, EMBLEM, NAMES, OR INITIALS OF THE MARINE CORPS

Legal Authority: 70A Stat 278, Sec 5031; 70A Stat 278, Sec 6011; 76 Stat 517, Sec 133; 80 Stat 379, Sec 301; 5 USC 301; 10 USC 133; 10 USC 5031; 10 USC 6011; 10 USC 7881

CFR Citation: 32 CFR 765, Amendment thereto

Legal Deadline: None.

Abstract: This rule sets forth regulations pertaining to the unofficial use of the seal, emblem, names, or initials of the Marine Corps for commercial and noncommercial activities.

Timetable:

Action	Date	FR Cite
Final Action	12/19/86	51 FR 45467

Small Entity: No

Agency Contact: Mrs. B. L. Thompson, Department of Defense, Department of the Navy, Headquarters, US Marine Corps (MPI-60), Washington, DC 20380-0001, 202 694-1492

RIN: 0703-AA19

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force, DoD.

ACTION: This agenda updates the report published on October 27, 1986, and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules. These rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) with the exception of 32 CFR Part 855 (OMB Control Number 0701-0050). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For

general information, contact Ms. Patsy J. Conner, telephone (202) 697-1861 or write, Department of the Air Force, USAF/DASJR(S), Pentagon, Washington, DC 20330-5025.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Prerule Stage

346. FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

Legal Deadline: None.

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, 202 695-9631

RIN: 0701-AA12

347. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR (New)

Legal Deadline: None.

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
48 CFR 5316, AF FARS; Types of Contracts	09/09/86	51 FR 32114
48 CFR 5315, AF FARS; Contracting by Negotiation	10/22/86	51 FR 37451
48 CFR Ch 53, AFLC FARS; Surplus Material Acquisition	10/30/86	51 FR 39676
48 CFR 5350, AF FARS; Extraordinary Contractual Actions	11/12/86	51 FR 40977
End Review	12/00/87	

Small Entity: No

Agency Contact: Col. Halberstadt, Special Assistant for FAR, Department of Defense, Department of the Air Force, HQ USAF/RDC-FAR, 202 695-3858

RIN: 0701-AA14

348. DELIVERY OF AIR FORCE PERSONNEL TO U.S. CIVILIAN AUTHORITIES FOR TRIAL (AFR 111-11)

Legal Authority: 10 USC 8012; 10 USC 814

CFR Citation: 32 CFR 884

Legal Deadline: None.

Abstract: Regulation sets forth the authority, policy and procedures for delivery of Air Force personnel to United States civil authorities for trial.

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Col Dixon, Chief, Military Justice Division, Department of Defense, Department of the Air Force, HQ USAF/JAJM, Bldg 5683, Bolling AFB, DC 20332-6128, 202 767-1539

RIN: 0701-AA20

349. ENVIRONMENTAL IMPACT ANALYSIS PROCESS (ANGR 19-02)

Legal Authority: 10 USC 8012

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Identifies Air National Guard's policies and procedures for the Environmental Impact Analysis Process (EIAP).

Timetable:

Action	Date	FR Cite
End Review	12/00/87	

Small Entity: No

Agency Contact: Mr. Van Gasbeck, Environmental Protection Specialist, Department of Defense, Department of the Air Force, ANGSC/DEV, Andrews AFB, MD 20331-6008, 301 981-4045

RIN: 0701-AA22

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

350. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8012 Sec 8012, 70A Stat. 488

CFR Citation: 32 CFR 837

Legal Deadline: None.

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	06/00/87	

Small Entity: No

Agency Contact: Mr. Moore, Department of Defense, Department of the Air Force, HQ USAF (SAF/PASX), Washington, DC 20330, 202 697-4100

RIN: 0701-AA18

DOD—AF

Proposed Rule Stage

351. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8012 as amended

CFR Citation: 32 CFR 842

Legal Deadline: None.

Abstract: Establishes standard policies and procedures to administratively process claims.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/86	
End Review	12/00/86	
NPRM	05/00/87	

Small Entity: No

Agency Contact: Lt Col Kilroy, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701-AA19

352. ISSUING CERTIFICATES IN LIEU OF LOST OR DESTROYED CERTIFICATES OF SEPARATION (AFR 35-96)

Legal Authority: 10 USC 8012 Sec 8012, 70 Stat. 488; 10 USC 1041

CFR Citation: 32 CFR 887

Legal Deadline: None.

Abstract: Regulation tells who may apply for a certificate in lieu of a lost or destroyed certificate of separation and where and how to apply. Revision includes examples on how to prepare certificates to ensure the three agencies authorized to issue the certificates follow the same format.

Timetable:

Action	Date	FR Cite
End Review	12/00/86	
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mr. Garcia, Military Personnel Management Specialist, Department of Defense, Department of the Air Force, HQ AFMPC/DPMDOP, Randolph AFB, TX 78150-6001, 512 652-2089

RIN: 0701-AA21

353. ● PERSONAL FINANCIAL RESPONSIBILITY (AFR 35-18)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818

Legal Deadline: None.

Abstract: Establishes Air Force policy governing delinquent financial obligations and sets forth procedures for processing any claims of this nature. It is designed to ensure that Air Force members pay their just financial obligations in a proper and timely manner.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Mr. Taylor, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC2, Randolph AFB, TX 78150-6001, 512 652-3578

RIN: 0701-AA23

354. ● PERSONAL COMMERCIAL AFFAIRS (AFR 211-16)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 818a

Legal Deadline: None.

Abstract: Sets policy for private commercial solicitation and sales on Air Force installations, to include private commercial activities by individuals who reside on Air Force installations. It is designed to safeguard and promote the welfare and interests of military personnel as consumers.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: MSgt Hollett, Department of Defense, Department of the Air Force, HQ AFMPC/DPMASC, Randolph AFB, TX 78150-6001, 512 652-3996

RIN: 0701-AA24

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

355. AIRCRAFT ARRESTING SYSTEMS (AFR 55-42)

Legal Authority: 10 USC 8012

CFR Citation: 32 CFR 856

Legal Deadline: None.

Abstract: Establishes policy on managing aircraft arresting systems including installation of systems at joint-use airports and use of systems by non-United States government aircraft.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	02/28/86	
NPRM	01/09/87	52 FR 803
NPRM Comment Period End	02/09/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Lt Col Purcell, Department of Defense, Department of the Air Force, HQ USAF/LEEV, Bldg 516, Bolling AFB, Washington, DC 20332-5000, 202 767-6240

RIN: 0701-AA17

DEPARTMENT OF DEFENSE (DOD)

Department of the Air Force (AF)

Completed Actions

356. USE OF USAF INSTALLATIONS BY OTHER THAN U.S. DOD AIRCRAFT (AFR 55-20)

Legal Authority: 49 USC 1507(a); 10 USC 8012

CFR Citation: 32 CFR 855

Legal Deadline: None.

Abstract: Procedures for the use of U.S. Air Force installations by aircraft other than U.S. DoD aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/13/86	51 FR 41121
Final Action	12/31/86	51 FR 47227
Final Action Effective	01/30/87	

Small Entity: No

Agency Contact: Mrs. Young, Department of Defense, Department of the Air Force, HQ USAF/PRPJA, 202 697-1796

RIN: 0701-AA02

[FR Doc. 87-6603 Filed 04-24-87; 8:45 am]

BILLING CODE 3810-01-T

Federal Register

Monday
April 27, 1987

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Semiannual Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin 87-6 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 87-6, dated December 4, 1986, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: March 19, 1987.

Wendell L. Willkie,

General Counsel.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
357	Education Department General Administrative Regulations -- Definitions That Apply to Department Regulations	1880-AA31

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
358	Grantee Suspension and Debarment	1880-AA25
359	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
360	Debt Collection	1880-AA09
361	U.S. Exchange Visitor Program - Request for Waiver of the Two- year Foreign Residence Requirement	1880-AA29
362	Education Department General Administrative Regulations-- Amendment I	1880-AA19
363	Education Department General Administrative Regulations -- Amendments II	1880-AA24
364	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15

ED

Departmental Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
365	Family Educational Rights and Privacy Act	1880-AA08

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
366	Advisory Committee Management	1880-AA18
367	Debt Collection; Interest on Outstanding Debts	1880-AA03
368	Salary Offset for Department of Education Employees to Recover Overpayment of Pay or Allowances	1880-AA30
369	Audit Requirements for State and Local Governments	1880-AA26
370	Education Department Acquisition Regulation (EDAR)	1880-AA16

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
371	Debt Collection: What Provisions Apply to Administrative Offset? Debt Collection: What Procedures Does the Secretary Follow for IRS Tax Refund Offsets?	1880-AA22

Office of Bilingual Education and Minority Languages Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
372	Bilingual Education: Academic Excellence Program	1885-AA11
373	Transition Program for Refugee Children	1885-AA10
374	Bilingual Education: State Educational Agency Program	1885-AA15
375	Bilingual Education: Evaluation Assistance Centers and Multifunctional Resource Centers	1885-AA13

Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
376	Bilingual Education: Fellowship Program	1885-AA14

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
377	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

ED

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
378	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
379	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
380	Educational Research Grant Program	1850-AA23
381	Regional Educational Laboratories and Research and Development Centers Program: General Provisions; Regional Educational Laboratories; and Research Development Centers	1850-AA28
382	Office of Educational Research and Improvement Fellows Program	1850-AA27
383	National Programs for Drug-Free Schools and Communities; Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Program	1850-AA29
384	College Library Resources Program	1850-AA21
385	Library Career Training Program	1850-AA24
386	Strengthening Research Library Resources Program	1850-AA22
387	College Library Technology and Cooperation Grants	1850-AA26
388	Territorial Teacher Training Assistance Program	1850-AA10
389	National Diffusion Network	1850-AA19

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
390	Capacity-Building for Statistical Activities in State Agencies- Government in the Sunshine Act	1850-AA18
391	Secretary's Discretionary Program -- Amendments	1850-AA14
392	Library Research and Demonstration Program	1850-AA25

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
393	Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages	1850-AA05
394	Leadership in Educational Administration Program (LEAD)	1850-AA16

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
395	Special Education Program for Students Whose Parents are Engaged in Migrant and Other Seasonal Farmwork-High School Equivalency and College Assist. Migrant Programs	1810-AA34
396	Follow Through Program	1810-AA25
397	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted Dist.; Aver. Daily Attendance/Membership	1810-AA20
398	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed.--Sec. 2, Fed. Acquisition/Real Property	1810-AA22
399	Drug-Free Schools and Communities -- Hawaiian Natives Program	1810-AA32
400	Drug-Free Schools and Communities -- Regional Centers Program	1810-AA31
401	Christa McAuliffe Fellowship Program	1810-AA35

ED

Office of Elementary and Secondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
402	Indian Education Act - Formula Grants to LEAs and Tribal Schools Amendments (Certification of Eligibility)	1810-AA28
403	Indian Education Act - Formula Grants to LEAs and Tribal Schools (Eligibility Standards)	1810-AA33
404	Women's Educational Equity Program	1810-AA16

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
405	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05
406	Indian Education: Formula Grants to LEAs and Tribal Schools; Indian-Controlled Schools Enrichment; Indian Fellowship Program (Amendments)	1810-AA36
407	Desegregation of Public Education	1810-AA27

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
408	Financial Assistance to State Agencies to Meet Special Educational Needs of Handicapped Children	1810-AA19
409	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed. -- Sec. 3, Elig. to Claim Students	1810-AA21
410	Assist. for LEAs in Areas Affected by Federal Act. & Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Public Ed	1810-AA26

Office of Planning and Budget and Evaluation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
411	Availability of Information to the Public Pursuant to Public Law 90-23	1875-AA03
412	Privacy Act Regulations	1875-AA02

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
413	Release of Adverse Information to News Media - Official Seal	1875-AA04

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
414	Secretary's Recognition Procedures for National Accrediting Agencies and Associations	1840-AA57
415	College Facilities Loan Program	1840-AA70
416	Institutional Aid General Provisions and Strengthening Institutional Program	1840-AA62
417	Veterans' Educational Outreach Program	1840-AA76
418	Fund for the Improvement of Postsecondary Education -- Innovative Projects for Student Community Services	1840-AA60

ED

Office of Postsecondary Education—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
419	Cooperative Education Program	1840-AA73
420	Strengthening Historically Black Colleges and Universities	1840-AB00
421	Training Program for Special Program Staff and Leadership Personnel	1840-AB01
422	Talent Search Program	1840-AA71
423	Educational Opportunities Centers Program	1840-AA72
424	Upward Bound Program	1840-AA78
425	Student Support Services	1840-AA77
426	Jacob K. Javits Fellows Program	1840-AA87
427	National Resource Centers	1840-AA64
428	Foreign Languages and Area Studies Fellowships Program, Part I	1840-AA65
429	Foreign Languages and Area Studies Fellowships Program, Part II	1840-AA66
430	Student Assistance General Provisions - Subpart A, B, C	1840-AA79
431	Language Resources Centers Program	1840-AA67
432	Intensive Summer Language Institutes	1840-AA68
433	Foreign Periodicals Program	1840-AA69
434	Income Contingent Loan Program Demonstration Project	1840-AA58
435	Campus-Based Programs, 1988-89	1840-AA98
436	Disclosure of Foreign Gifts	1840-AA75
437	Guaranteed Student Loan/PLUS/Supplemental Loan/Consolidation Loan Programs	1840-AA96
438	Pell Grant Program	1840-AA97
439	State Student Incentive Grant Program	1840-AA59
440	Treatment of Territories and Territorial Student Assistance	1840-AA74

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
441	Institutional Eligibility Under the Higher Education Act of 1965, as amended, and the College Housing Program	1840-AA32
442	Endowment Challenge Grant Program	1840-AA81
443	Minority Science Improvement Program	1840-AA89
444	Law School Clinical Experience Program	1840-AA88
445	Upward Bound Program	1840-AA84
446	Student Support Services	1840-AA82
447	Patricia Roberts Harris Fellows Program	1840-AA86
448	Undergraduate International Studies and Foreign Language Program	1840-AA80
449	International Research and Studies Program	1840-AA83
450	Business and International Education Program	1840-AA85
451	Student Assistance General Provisions -- Subparts A, B, D, F, G	1840-AA11
452	Student Assistance General Provisions - Subpart H	1840-AA92
453	Perkins Loan Program (formerly the National Direct Student Loan Program) Subpart C - Due Diligence	1840-AA02
454	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
455	Carl D. Perkins Scholarship Program	1840-AA35
456	National Talented Teacher Fellowship Program	1840-AA36
457	College Housing Program; Financial Assistance for Construction, Reconstruction, or Renovation of Higher Ed. Facilities; Loan Management	1840-AA30
458	Student Assistance General Provisions -- QC/QA System	1840-AA39
459	Guaranteed Student Loan/PLUS Programs	1840-AA04
460	Pell Grant Program - Calculation procedures	1840-AA51
461	Pell Grant Program -- ADS Amendments	1840-AA52
462	State Student Incentive Grant Program	1840-AA53

ED

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
463	Assistance to States for Education of Handicapped Children	1820-AA71
464	Preschool Grants for Handicapped Children's Program	1820-AA48
465	Grants for Infants and Families	1820-AA49
466	Removal of Architectural Barriers to the Handicapped Program	1820-AA51
467	Services for Deaf-Blind Children and Youth Program	1820-AA53
468	Handicapped Children's Early Education Program	1820-AA54
469	Programs for Severely Handicapped Children	1820-AA55
470	Training Personnel for the Education of the Handicapped - Parent Training and Information Centers; Special Projects; and General	1820-AA68
471	Training Personnel for the Education of the Handicapped - Grants to State Educational Agencies for Traineeships	1820-AA56
472	Clearinghouses for the Handicapped Program	1820-AA58
473	Training Programs for Teachers of Handicapped Children in Areas with a Shortage	1820-AA75
474	Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program	1820-AA61
475	Technology, Educational Media, and Materials for the Handicapped	1820-AA63
476	National Institute on Disability and Rehabilitation Research - Amendments	1820-AA65
477	Handicapped Research: Research Fellowship and Research Training and Career Development	1820-AA66
478	The State Vocational Rehabilitation Services Program	1820-AA40
479	The State Vocational Rehabilitation Services Program - Additional Amendments	1820-AA46
480	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
481	Rehabilitation Services Administration General Regulatory Review	1820-AA45
482	The State Supported Employment Services Program	1820-AA44
483	The State Independent Living Rehabilitation Services Program	1820-AA37
484	Independent Living Services for Older Blind Individuals	1820-AA41
485	Projects for American Indians with Handicaps and Long-term Training	1820-AA43
486	Vocational Rehabilitation Services to Individuals with Severe Handicaps/Special Projects and Demonstrations for Providing Supported Employment Serv. to Indiv. with Severe Handicaps	1820-AA76
487	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Handicaps	1820-AA74

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
488	Regional Resource and Federal Centers Program	1820-AA52
489	Research in Education of the Handicapped Program	1820-AA69
490	Secondary Education and Transitional Services for Handicapped Youth Program	1820-AA59
491	Handicapped Special Studies Program	1820-AA72
492	Educational Media Research, Production, Distribution, and Training	1820-AA73
493	Miscellaneous Technical Amendments to the Rehabilitation Services Regulations	1820-AA39

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
494	Postsecondary Education Programs for Handicapped Persons	1820-AA64
495	Special Projects and Demonstrations for Providing Transitional Rehabilitation Services to Youths with Handicaps	1820-AA42

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
496	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00

ED

Miscellaneous Department of Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
497	Inventions and Patents -- General	1801-AA04
498	Equal Access to Justice	1801-AA01
499	Due Process Regulations	1801-AA02

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Prerule Stage

357. ● EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 077

Legal Deadline: None.

Abstract: See Preamble: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Part 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
Begin Review	06/00/87	
End Review	12/00/87	

Small Entity: Not Applicable

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Room 3021), Washington, DC 20202, 202 472-5123

RIN: 1880-AA31

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Proposed Rule Stage

358. GRANTEE SUSPENSION AND DEBARMENT

Legal Authority: EO 12549; 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 000

Legal Deadline: None.

Abstract: These regulations would contain criteria and minimum due process procedures for suspension and debarment of ED Assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3021, FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA25

359. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 12

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: David B. Hakola, Staff Assistant, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, 202 245-0306

RIN: 1880-AA27

360. DEBT COLLECTION

Significance: Regulatory Program

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds and are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

These regulations are being published in two separate sets of regulations. See RIN # 1880-AA22.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Jerald E. Levine, Management Analyst, Department of Education, Departmental Management,

400 Maryland Ave, SW, (Rm. 3034 FOB-6), Washington, DC 20202, 202 472-6032

RIN: 1880-AA09

361. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO- YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 50

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Kathleen Hunter, Special Assistant to the Director, Interagency Operations, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, 202 472-5812

RIN: 1880-AA29

362. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS-- AMENDMENT I

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 75; 34 CFR 76

Legal Deadline: None.

Abstract: See Preamble: The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Parts 75 and 76 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	02/19/87	52 FR 5142
NPRM Comment Period End	04/06/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Avenue, SW, Rm. 3021, FOB-6, Washington, DC 20202, 202 472-5123

RIN: 1880-AA19

363. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS -- AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 75; 34 CFR 76

Legal Deadline: None.

Abstract: See Preamble. The Department is considering miscellaneous amendments to update and improve the regulations in 34 CFR Parts 75 and 76 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3021, FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA24

364. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 80; 34 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current ED regulations codified at 34 CFR Part 74 were adopted to implement both Circular A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. To implement revised Circular A-102, ED will adopt regulations approved by OMB affecting grantees that are State, local, and Indian tribal governments in 34 CFR Part 80. Regulations for the grantees covered by Circular A-110 will be retained in an amended 34 CFR Part 74.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3021 FOB-6), Washington, DC 20202, 202 472-5123

RIN: 1880-AA15

365. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Significance: Regulatory Program

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 099

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Patricia Ballinger (FERPA), Student Family Education Rights & Privacy, Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3021, FOB-6), Washington, DC 20202, 202 732-2058

RIN: 1880-AA08

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

366. ADVISORY COMMITTEE MANAGEMENT

Legal Authority: 20 USC 1233 et seq; 5 USC Appendix 2

CFR Citation: 34 CFR 11

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30511
NPRM Comment Period End	10/14/86	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Ann Bailey, Committee Management Officer, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, (Rm. 1017, FOB-6), Washington, DC 20202, 202 732-3677

RIN: 1880-AA18

367. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

Legal Authority: 20 USC 1221e -3(a)(1); 31 USC 3717

CFR Citation: 34 CFR 030

Legal Deadline: None.

Abstract: These regulations would establish Departmental policies for assessing interest on outstanding debts and implementing the interest assessment provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period End	08/27/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Frank Stidman, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3109, FPB-6), Washington, DC 20202, 202 245-2964

RIN: 1880-AA03

368. SALARY OFFSET FOR DEPARTMENT OF EDUCATION EMPLOYEES TO RECOVER OVERPAYMENT OF PAY OR ALLOWANCES

Legal Authority: 5 USC 5514; 31 USC 3716

CFR Citation: 34 CFR 32

Legal Deadline: None.

Abstract: These regulations would implement procedures for offsetting a debt against the Federal pay of a current or former employee of the Department of Education to recover an overpayment of pay or allowances.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35658
NPRM Comment Period End	10/11/84	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Charles J. Walters, Policy Analyst, Department of Education, Departmental Management, Office of Personnel Resource Management, 400 Maryland Ave., SW (Rm. 1083 FOB-6), Washington, DC 20202, 202 245-3087

RIN: 1880-AA30

369. AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: 5 USC 301; 31 USC 7505(a)

CFR Citation: 34 CFR 74

Legal Deadline: None.

Abstract: These regulations would implement the Single Audit Act of 1984 and the Office of Management and Budget Circular No. A-128.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/85	50 FR 37356
Final Action Effective	10/28/85	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Guido Peqces', Auditor, Office of the Inspector General, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 4200, Switzer), Washington, DC 20202, 202 245-0271

RIN: 1880-AA26

370. EDUCATION DEPARTMENT ACQUISITION REGULATION (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR Chapter 34

Legal Deadline: None.

Abstract: These regulations implement the Federal Acquisition Regulation within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Departmental Management, 400 Maryland Ave, SW, (Rm. 3519, ROB-3), Washington, DC 20202, 202 732-2525

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

371. DEBT COLLECTION: WHAT PROVISIONS APPLY TO ADMINISTRATIVE OFFSET? DEBT COLLECTION: WHAT PROCEDURES DOES THE SECRETARY FOLLOW FOR IRS TAX REFUND OFFSETS?

Significance: Regulatory Program

CFR Citation: 34 CFR 30

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35645
Final Action Effective	11/21/86	

Small Entity: No

Agency Contact: Jerald E. Levine 202 472-6032

RIN: 1880-AA22

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Proposed Rule Stage

372. BILINGUAL EDUCATION: ACADEMIC EXCELLENCE PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 524

Legal Deadline: None.

Abstract: These proposed regulations would implement the provisions of P.L. 98-511 governing projects designed to serve as models of exemplary bilingual education programs and facilitate the dissemination of effective bilingual education practices.

Timetable:

Action	Date	FR Cite
NPRM	03/10/87	52 FR 7380
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA11

373. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

Legal Authority: 8 USC 1522(d)

CFR Citation: 34 CFR 538

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW (Rm. 421 Rptrs. Bldg.), Washington, DC 20202, 202 245-2600

RIN: 1885-AA10

374. ● BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 548

Legal Deadline: None.

Abstract: These amendments would simplify the data collection process and eliminate unnecessary duplication of data.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave. SW, (Room 421, Rep. Bldg.), Washington, DC 20202, 202 245-2600

RIN: 1885-AA15

375. BILINGUAL EDUCATION: EVALUATION ASSISTANCE CENTERS AND MULTIFUNCTIONAL RESOURCE CENTERS

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 549; 34 CFR 575

Legal Deadline: None.

Abstract: These proposed regulations would implement provisions of P.L. 98-511 for establishing evaluation assistance centers and multifunctional resource centers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave. SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA13

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Final Rule Stage

376. BILINGUAL EDUCATION: FELLOWSHIP PROGRAM

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 562

Legal Deadline: None.

Abstract: These final regulations respond to the comments received from the National Advisory and Coordinating Counsel on Bilingual Education on the final with invitation to comment and to the public comments.

ED—BEMLA — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Fayetta McAlear, Acting Executive Officer, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Avenue, SW, Room 421, Rptrs. Bldg., Washington, DC 20202, 202 245-2600

RIN: 1885-AA14

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Proposed Rule Stage

377. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Legal Deadline: None.

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Phillip G. Kiko, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA06

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Final Rule Stage

378. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None.

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Phillip G. Kiko, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5050, Switzer Bldg., Washington, DC 20202, 202 732-1635

RIN: 1870-AA05

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Proposed Rule Stage

379. PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Legal Authority: PL 99-159

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions in the Education for Economic Security Act, as amended by the National Science, Engineering, and Mathematics Authorization Act of 1986 (P.L. 99-159).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Patricia Alexander, Senior Associate, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Room 1011, FOB-6, Washington, DC 20202, 202 732-3566

RIN: 1850-AA15

380. ● EDUCATIONAL RESEARCH GRANT PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/09/87	

ED—OERI

Proposed Rule Stage

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, (Rm. 610 - Cap. Pl. Bldg.), Washington, DC 20202, 202 357-6249

RIN: 1850-AA23

381. ● REGIONAL EDUCATIONAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS PROGRAM: GENERAL PROVISIONS; REGIONAL EDUCATIONAL LABORATORIES; AND RESEARCH DEVELOPMENT CENTERS

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 706; 34 CFR 707; 34 CFR 708

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Lawrence Bussey, Senior Management Analyst, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 610 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6249

RIN: 1850-AA28

382. ● OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT FELLOWS PROGRAM

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 762

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of section 405 of the General Education Provisions Act, as amended by Title XIV of the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Coptact: Shannon Weatherly, Special Assistant, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 600 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6050

RIN: 1850-AA27

383. ● NATIONAL PROGRAMS FOR DRUG-FREE SCHOOLS AND COMMUNITIES; TRAINING AND DEMONSTRATION GRANTS TO INSTITUTIONS OF HIGHER EDUCATION; AND FEDERAL ACTIVITIES PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 764; 34 CFR 765; 34 CFR 766

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas E. Enderlein, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm 1011, Washington, DC 20202, 202 732-3595

RIN: 1850-AA29

384. ● COLLEGE LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 773

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. Washington, DC 20202, 202 357-6315

RIN: 1850-AA21

385. ● LIBRARY CAREER TRAINING PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 776

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm 402Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA24

386. ● STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 778

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

ED—OERI

Proposed Rule Stage

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW - Rm 402, Capitol Place Bldg. - Washington, DC 20202, 202 357-6315

RIN: 1850-AA22

387. ● COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 779

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW, Rm. 402 Cap. Pl. Bldg., Washington, DC 20202, 202 357-6315

RIN: 1850-AA26

388. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Legal Deadline: None.

Abstract: See Preamble. These proposed regulations would also amend 34 CFR 790.2 (Eligible Parties) to promote increased participation in the Territorial Teacher Training Program on the part of the institutions of higher education in each respective territory.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Haroldie Spriggs, Project Officer, Programs for the Improvement of Practices, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm. 508, Capitol Place Bldg., Washington, DC 20202, 202 357-6149

RIN: 1850-AA10

389. NATIONAL DIFFUSION NETWORK

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787; 34 CFR 788; 34 CFR 789

Legal Deadline: None.

Abstract: These proposed regulations would implement certain provisions of Sec. 583 of the Education Consolidation and Improvement Act of 1981, as amended by 1404 of the Higher Education Amendments of 1986 (PL 99-498), revise the JDRP review process, establish a program significance panel to review curriculum materials, include the Secretary's School Recognition Program as an activity of the NDN, limit developer demonstration projects to a total of 6 years of funding by NDN, establish two new projects, add two new priorities, and revise the activities to be carried out by the grantees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Lois N. Weinberg, Education Program Specialist, Programs for the Improvement of Practice, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Rm. 510, Capitol Place Bldg., Washington, DC 20202, 202 357-6147

RIN: 1850-AA19

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Final Rule Stage

390. CAPACITY-BUILDING FOR STATISTICAL ACTIVITIES IN STATE AGENCIES- GOVERNMENT IN THE SUNSHINE ACT

Legal Authority: 20 USC 1221e-1(b)(3) and (e)

CFR Citation: 34 CFR 726; 34 CFR 705

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Macknight Black, Education Program Officer, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave., SW, Room 410B, Capitol Place Building, Washington, DC 20202, 202 357-6594

RIN: 1850-AA18

391. SECRETARY'S DISCRETIONARY PROGRAM -- AMENDMENTS

Legal Authority: 20 USC 3851

CFR Citation: 34 CFR 760

Legal Deadline: None.

Abstract: These proposed amendments would revise the number of points assigned to the evaluation criteria and would permit the Secretary to review and fund unsolicited proposals for the program throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	11/17/86	51 FR 41562
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Thomas E. Enderlein, Program Coordinator, Department of Education, Office of Educational Research and Improvement, 400 Maryland Avenue, SW, Rm. 1011, FOB-6, Washington, DC 20202, 202 732-3595

RIN: 1850-AA14

392. ● LIBRARY RESEARCH AND DEMONSTRATION PROGRAM

Legal Authority: 20 USC 1021 to 1047

CFR Citation: 34 CFR 777

ED—OERI

Final Rule Stage

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of Title II of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Louise V. Sutherland, Administrative Librarian, Department of Education, Office of Educational Research and Improvement, 400 Md. Ave., SW - Rm. 402, Cap. Pl. Bldg., Washington, DC 20202, **202 357-6315**

RIN: 1850-AA25

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

393. SECRETARY'S DISCRETIONARY PROGRAM FOR MATHEMATICS, SCIENCE, COMPUTER LEARNING, AND CRITICAL FOREIGN LANGUAGES

CFR Citation: 34 CFR 755

Completed:

Reason	Date	FR Cite
Final Action	01/26/87	52 FR 2691
Final Action Effective	03/12/87	

Small Entity: Undetermined

Agency Contact: Patricia Alexander **202 732-3566**

RIN: 1850-AA05

394. LEADERSHIP IN EDUCATIONAL ADMINISTRATION PROGRAM (LEAD)

CFR Citation: 34 CFR 761

Completed:

Reason	Date	FR Cite
Final Action	03/24/87	52 FR 9440

Small Entity: Undetermined

Agency Contact: Hunter N. Moorman **202 357-6173**

RIN: 1850-AA16

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Proposed Rule Stage

395. ● SPECIAL EDUCATION PROGRAM FOR STUDENTS WHOSE PARENTS ARE ENGAGED IN MIGRANT AND OTHER SEASONAL FARMWORK- HIGH SCHOOL EQUIVALENCY AND COLLEGE ASSIST. MIGRANT PROGRAMS

Legal Authority: 20 USC 1070d-2

CFR Citation: 34 CFR 206

Legal Deadline: None.

Abstract: These amendments would implement Title IV, Part A, Subpart 5, Section 418A of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	04/11/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: John F. Staehle, Director, Office of Migrant Educ., Department of Education, Office of Elementary and Secondary Education, Office of Elementary and Secondary Ed., 400 Maryland Ave, SW, Room 2145, Washington, DC 20202, **202 732-4746**

RIN: 1810-AA34

396. FOLLOW THROUGH PROGRAM

Legal Authority: 42 USC 9861 to 9868

CFR Citation: 34 CFR 215

Legal Deadline: None.

Abstract: See Preamble. In addition to changes resulting from deregulation, these regulations would implement certain provisions of the Human Services Reauthorization Act of 1986, (PL 99-425).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: James M. Spillane, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2017, FOB-6), Washington, DC 20202, **202 245-2465**

RIN: 1810-AA25

397. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.--HEAVILY IMPACTED DIST.; AVER. DAILY ATTENDANCE/MEMBERSHIP

Legal Authority: 20 USC 236; 20 USC 238; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These proposed regulations would implement section 3(d)(2)(B) of the Impact Aid law, P.L. 81-874, which authorizes supplemental payments enabling LEAs that are heavily impacted by federally connected children to provide a level of education that is equivalent to that maintained in comparable school districts. These regulations would also establish definitions and procedures for calculating payments to LEAs in States that do not collect average daily attendance data. These regulations would also establish standards for determining when an SEA can apply as an LEA.

ED—OESE

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA20

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398. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED.--SEC. 2, FED. ACQUISITION/REAL PROPERTY

Legal Authority: 20 USC 236; 20 USC 237; 20 USC 238; 20 USC 239; 20 USC 240; 20 USC 242; 20 USC 244

CFR Citation: 34 CFR 222

Legal Deadline: None.

Abstract: These proposed amendments would implement section 2 of the Impact Aid Law, P.L. 81-874, which authorizes payments to supplemental real property tax revenues for local educational agencies upon which the Federal Government has imposed a burden due to the acquisition of real property and removal of that property from the local tax rolls. These amendments would establish definitions and procedures for eligibility and entitlement determinations under sections 2 and 3. These regulations also would amend general definitions relating to applications under Secs. 2, 3, and 4 of PL 81-874.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA22

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399. ● DRUG-FREE SCHOOLS AND COMMUNITIES -- HAWAIIAN NATIVES PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 230

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug- Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Dick Hays, Chairman, OESE Drug-Free Schools, Task Force, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2135, Washington, DC 20202, 202 732-4599

RIN: 1810-AA32

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400. ● DRUG-FREE SCHOOLS AND COMMUNITIES -- REGIONAL CENTERS PROGRAM

Significance: Regulatory Program

Legal Authority: PL 99-570

CFR Citation: 34 CFR 235

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8570
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Dick Hays, Chairman , OESE Drug-Free Schools, Task Force, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2135, Washington, DC 20202, 202 732-4599

RIN: 1810-AA31

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401. ● CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

Legal Authority: PL 99-570

CFR Citation: 34 CFR 237

Legal Deadline: None.

Abstract: These regulations would implement Sec 563 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ms. Willi Webb, Director, Policy, Planning and, Executive Operations, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2189, Washington, DC 20202, 202 245-8720

RIN: 1810-AA35

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402. INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS AMENDMENTS (CERTIFICATION OF ELIGIBILITY)

Legal Authority: 20 USC 1221h(c)

CFR Citation: 34 CFR 251

Legal Deadline: None.

Abstract: These amendments would establish requirements for the completion of the student certification forms to implement Sec. 453(d) of the Indian Education Act, PL 92-318.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Acting Deputy Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2177, FOB-6), Washington, DC 20202, 202 732-1887

RIN: 1810-AA28

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403. ● INDIAN EDUCATION ACT - FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS (ELIGIBILITY STANDARDS)

Legal Authority: 20 USC 241aa to 241ff

CFR Citation: 34 CFR 251

Legal Deadline: None.

Abstract: These amendments would establish criteria for payments to LEAs

ED—OESE **Proposed Rule Stage**

under section 303(a) of the Indian Education Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Acting Deputy Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave. SW, Room 2177, Washington, DC 20202, 202 732-1887

RIN: 1810-AA33

404. WOMEN'S EDUCATIONAL EQUITY PROGRAM

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Legal Deadline: None.

Abstract: See Preamble. These regulations would also implement Sec. 932(a)(2) of Title IX, Part C of the Elementary and Secondary Education Act of 1965, as amended by P.L. 98-511. Includes RIN 1810-AA15

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Mrs. Jan-Williams Madison, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW (Rm. 2053), Washington, DC 20202, 202 472-2276

RIN: 1810-AA16

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Elementary and Secondary Education (OESE)

405. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 631 to 645; 20 USC 647

CFR Citation: 34 CFR 221

Legal Deadline: None.

Abstract: These regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40362
NPRM Comment Period End	12/14/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: W. Stanley Kruger, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2117, Washington, DC 20202, 202 732-3637

RIN: 1810-AA05

406. ● INDIAN EDUCATION: FORMULA GRANTS TO LEAS AND TRIBAL SCHOOLS; INDIAN-CONTROLLED SCHOOLS ENRICHMENT; INDIAN FELLOWSHIP PROGRAM (AMENDMENTS)

Legal Authority: 20 USC 241aa to 241ff; 20 USC 3385b

CFR Citation: 34 CFR 251; 34 CFR 253; 34 CFR 263

Legal Deadline: None.

Abstract: These technical amendments would implement Section 4133 of the Drug-Free Schools and Communities Act of 1986, PL 99-570.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Ervin Keith, Deputy Director, Department of Education, Office of Elementary and Secondary Education, Office of Elementary and Secondary Ed., 400 Maryland Ave, SW, (Room 2177), Washington, DC 20202, 202 732-1887

RIN: 1810-AA36

407. DESEGREGATION OF PUBLIC EDUCATION

Legal Authority: 42 USC 2000 to 2000-5

CFR Citation: 34 CFR 270; 34 CFR 271; 34 CFR 272

Legal Deadline: None.

Abstract: See Preamble. These proposed regulations would revise the procedures under the State Educational Assistance (SEA) Program to allow applicants to submit one application, rather than three, when applying for race, sex, or national origin desegregation assistance and make other changes for the SEA and Desegregation Assistance Centers Programs.

Timetable:

Action	Date	FR Cite
NPRM	02/17/87	52 FR 4852
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Curtis F. Coates, Chief, Equity Training Technical Assistance Section, Department of Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW (Rm. 2065, FOB-6), Washington, DC 20202, 202 732-4345

RIN: 1810-AA27

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

408. FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF HANDICAPPED CHILDREN

Significance: Regulatory Program

CFR Citation: 34 CFR 302; 34 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	02/18/87	

Small Entity: No

Agency Contact: William Tyrrell 202 732-1014

RIN: 1810-AA19

409. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. -- SEC. 3, ELIG. TO CLAIM STUDENTS

CFR Citation: 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	11/17/86	51 FR 41562
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: W. Stanley Kruger 202 732-3637

RIN: 1810-AA21

410. ASSIST. FOR LEAS IN AREAS AFFECTED BY FEDERAL ACT. & ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED

CFR Citation: 34 CFR 218; 34 CFR 222; 34 CFR 223

Completed:

Reason	Date	FR Cite
Withdrawn	03/09/87	

Small Entity: Undetermined

Agency Contact: W. Stanley Kruger 202 732-3637

RIN: 1810-AA26

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Prerule Stage

411. AVAILABILITY OF INFORMATION TO THE PUBLIC PURSUANT TO PUBLIC LAW 90-23

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 34 CFR 5

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/87	
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA03

412. PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 301; 5 USC 552a

CFR Citation: 34 CFR 5b

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/87	
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA02

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Final Rule Stage

413. RELEASE OF ADVERSE INFORMATION TO NEWS MEDIA - OFFICIAL SEAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 17; 34 CFR 3

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Tom Lyon, Freedom of Information and Privacy Act, Officer, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW (Rm. 2089, FOB-6), Washington, DC 20202, 202 245-8907

RIN: 1875-AA04

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

414. ● SECRETARY'S RECOGNITION PROCEDURES FOR NATIONAL ACCREDITING AGENCIES AND ASSOCIATIONS

Significance: Regulatory Program

Legal Authority: 20 USC 1058; 20 USC 1061; 20 USC 1085; 20 USC 1088; 20 USC 1141; 20 USC 1401

CFR Citation: 34 CFR 602; 34 CFR 603

Legal Deadline: None.

Abstract: See preamble. An accrediting body must conform to certain criteria to be recognized by the Secretary. The National Advisory Committee on Accreditation and Institutional Eligibility reviewed the criteria and recommended changes to the Secretary for improvement. These regulations would implement these changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: James B. Williams, Special Assistant to the Deputy Assistant, Secretary for Higher Education Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave (Room 3082 ROB-3), Washington, DC 20202, 202 245-9758

RIN: 1840-AA57

415. ● COLLEGE FACILITIES LOAN PROGRAM

Legal Authority: 20 USC 1132g to 1132g - 3

CFR Citation: 34 CFR 614

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Sumner Bravman, Program Manager, College Facilities Loan Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4394

RIN: 1840-AA70

416. ● INSTITUTIONAL AID GENERAL PROVISIONS AND STRENGTHENING INSTITUTIONAL PROGRAM

Legal Authority: PL 99-498

CFR Citation: 34 CFR 625

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 3042 ROB-3), Washington, DC 20202, 202 732-3398

RIN: 1840-AA62

417. ● VETERANS' EDUCATIONAL OUTREACH PROGRAM

Legal Authority: 20 USC 1070e - 1

CFR Citation: 34 CFR 629

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, 202 732-4922

RIN: 1840-AA76

418. ● FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION – INNOVATIVE PROJECTS FOR STUDENT COMMUNITY SERVICES

Legal Authority: 20 USC 1135 to 1135a - 2; 20 USC 1135e to 1135e - 1

CFR Citation: 34 CFR 630

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: John E. Donahue, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3100, ROB-3), Washington, DC 20202, 202 245-8091

RIN: 1840-AA60

419. ● COOPERATIVE EDUCATION PROGRAM

Legal Authority: 20 USC 1133a to 1133b

CFR Citation: 34 CFR 631; 34 CFR 632; 34 CFR 633; 34 CFR 634; 34 CFR 635; 34 CFR 636

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SE, (Rm. 3022 ROB-3), Washington, DC 20202, 202 732-4389

RIN: 1840-AA73

ED—OPE **Proposed Rule Stage**

420. ● STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

Legal Authority: 20 USC 1060; 20 USC 1063c; 20 USC 1066; 20 USC 1068e; 20 USC 1069f

CFR Citation: 34 CFR 641

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Caroline S. Gillis, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Md. Ave., SW, (Rm. 3042 - ROB-3), Washington, DC 20202, **202 732-3308**

RIN: 1840-AB00

421. ● TRAINING PROGRAM FOR SPECIAL PROGRAM STAFF AND LEADERSHIP PERSONNEL

Legal Authority: PL 99-498

CFR Citation: 34 CFR 642

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AB01

422. ● TALENT SEARCH PROGRAM

Legal Authority: 20 USC 1070d - 1

CFR Citation: 34 CFR 643

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA71

423. ● EDUCATIONAL OPPORTUNITIES CENTERS PROGRAM

Legal Authority: 20 USC 1070d - 1c

CFR Citation: 34 CFR 644

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Richart T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA72

424. ● UPWARD BOUND PROGRAM

Legal Authority: 20 USC 1070d to 1070d - 1a

CFR Citation: 34 CFR 645

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA78

425. ● STUDENT SUPPORT SERVICES

Legal Authority: 20 USC 1070; 20 USC 1070d - 1b

CFR Citation: 34 CFR 646

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA77

426. ● JACOB K. JAVITS FELLOWS PROGRAM

Legal Authority: 20 USC 1134h to 1134k

CFR Citation: 34 CFR 650

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Allen P. Cissell, Director, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3514 ROB-3), Washington, DC 20202, **202 732-4415**

RIN: 1840-AA87

427. ● NATIONAL RESOURCE CENTERS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 656

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., (Rm. 3054 ROB-3), Washington, DC 20202, 202 **732-3304**

RIN: 1840-AA64

428. ● FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART I

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA65

429. ● FOREIGN LANGUAGES AND AREA STUDIES FELLOWSHIPS PROGRAM, PART II

Legal Authority: PL 99-498

CFR Citation: 34 CFR 657

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202W, (Rm. 3054 ROB-3), **202 732-3304**

RIN: 1840-AA66

430. ● STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART A, B, C

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, **202 472-4300**

RIN: 1840-AA79

431. ● LANGUAGE RESOURCES CENTERS PROGRAM

Legal Authority: 20 USC 1123

CFR Citation: 34 CFR 669

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3045 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA67

432. ● INTENSIVE SUMMER LANGUAGE INSTITUTES

Legal Authority: 20 USC 1124a

CFR Citation: 34 CFR 670

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA68

433. ● FOREIGN PERIODICALS PROGRAM

Legal Authority: 20 USC 1125a

CFR Citation: 34 CFR 671

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, 202 732-3304

RIN: 1840-AA69

434. ● INCOME CONTINGENT LOAN PROGRAM DEMONSTRATION PROJECT

Significance: Regulatory Program

Legal Authority: 20 USC 1087a to 1087e

CFR Citation: 34 CFR 673

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, PL 99-498.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6924
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: William Moran, Director, Division of Policy and, Program Development, Department of Education, Office of Postsecondary Education, Office of Postsecondary Education, 400 Maryland Ave (Rm 4100 ROB-3), Washington, DC 20202, 202 245-2247

RIN: 1840-AA58

435. ● CAMPUS-BASED PROGRAMS, 1988-89

Legal Authority: PL 99-498

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4018 ROB-3), Washington, DC 20202, 202 245-9720

RIN: 1840-AA98

436. ● DISCLOSURE OF FOREIGN GIFTS

Legal Authority: PL 99-498

CFR Citation: 34 CFR 680

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Division of Eligibility and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3030 ROB-3), Washington, DC 20202, 202 245-9703

RIN: 1840-AA75

437. ● GUARANTEED STUDENT LOAN/PLUS/SUPPLEMENTAL LOAN/CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682; 34 CFR 683

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Carol Roberts, Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, 202 245-2475

RIN: 1840-AA96

438. ● PELL GRANT PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 472-4300

RIN: 1840-AA97

439. ● STATE STUDENT INCENTIVE GRANT PROGRAM

Legal Authority: 20 USC 1070c to 1070c - 3

CFR Citation: 34 CFR 692

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson, Chief, State Student Incentive Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland

ED—OPE

Proposed Rule Stage

Ave., (Rm. 4018, ROB-3), Washington, DC 20202, **202 245-9720**

RIN: 1840-AA59

440. ● TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

Legal Authority: 20 USC 1144a

CFR Citation: 34 CFR 696

Legal Deadline: None.

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986, (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Office of Policy Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4060 ROB-3), Washington, DC 20202, **202 732-3551**

RIN: 1840-AA74

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

441. INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED, AND THE COLLEGE HOUSING PROGRAM

Significance: Regulatory Program

Legal Authority: 20 USC 1088; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None.

Abstract: These regulations establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply to participate in any of the programs authorized by the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/21/86	51 FR 37366
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Joan E. Duval, Acting Director, Div. of Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW (Rm. 3030, ROB-3), Washington, DC 20202, **202 732-4906**

RIN: 1840-AA32

442. ● ENDOWMENT CHALLENGE GRANT PROGRAM

Legal Authority: 20 USC 1065a

CFR Citation: 34 CFR 628

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Caroline J. Gillin, Director, Division of Institutional Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3042 ROB-3), Washington, DC 20202, **202 732-3338**

RIN: 1840-AA81

443. ● MINORITY SCIENCE IMPROVEMENT PROGRAM

Legal Authority: 20 USC 1021 et seq

CFR Citation: 34 CFR 637

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, **202 732-4389**

RIN: 1840-AA89

444. ● LAW SCHOOL CLINICAL EXPERIENCE PROGRAM

Legal Authority: 20 USC 1134s to 1134t

CFR Citation: 34 CFR 639

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles H. Miller, Senior Education Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, **202 245-9720**

RIN: 1840-AA88

445. ● UPWARD BOUND PROGRAM

Legal Authority: 20 USC 1070d to 1070d - 1a

CFR Citation: 34 CFR 645

Legal Deadline: None.

Abstract: These regulations implement technical amendments to the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of

Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA84

446. ● STUDENT SUPPORT SERVICES

Legal Authority: 20 USC 1070 to 1070d - 1b

CFR Citation: 34 CFR 646

Legal Deadline: None.

Abstract: These regulations implement technical amendments to the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard T. Sonnergren, Director, Division of Student Services, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3012 ROB-3), Washington, DC 20202, **202 732-4922**

RIN: 1840-AA82

447. ● PATRICIA ROBERTS HARRIS FELLOWS PROGRAM

Legal Authority: 20 USC 1134d to 1134f

CFR Citation: 34 CFR 649

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Charles Griffith, Director, Division of Higher Ed. Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3022 ROB-3), Washington, DC 20202, **202 732-4389**

RIN: 1840-AA86

448. ● UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

Legal Authority: PL 99-498

CFR Citation: 34 CFR 658

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, (Rm. 3054 - ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA80

449. ● INTERNATIONAL RESEARCH AND STUDIES PROGRAM

Legal Authority: 20 USC 1125

CFR Citation: 34 CFR 660

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA83

450. ● BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

Legal Authority: 20 USC 1130 to 1130b

CFR Citation: 34 CFR 661

Legal Deadline: None.

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph Belmonte, Acting Deputy Director, Center for International Education, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 3054 ROB-3), Washington, DC 20202, **202 732-3304**

RIN: 1840-AA85

451. STUDENT ASSISTANCE GENERAL PROVISIONS – SUBPARTS A, B, D, F, G

Significance: Regulatory Program

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48494
NPRM Comment Period End	02/11/85	
Final Action	05/00/87	

Small Entity: No

Additional Information: FINAL ACTION: (Subpart A) 11/19/86 51 FR 41920; FINAL ACTION: (Subparts D, F, & G) 12/01/86 51 FR 43320

Agency Contact: Fred Sellers, Pell Grant Policy Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318, ROB-3, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA11

452. ● STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART H

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None.

ED—OPE

Final Rule Stage

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4318 ROB-3), Washington, DC 20202, 202 472-4300

RIN: 1840-AA92

453. PERKINS LOAN PROGRAM (FORMERLY THE NATIONAL DIRECT STUDENT LOAN PROGRAM) SUBPART C - DUE DILIGENCE

Significance: Regulatory Program

Legal Authority: 20 USC 1087aa to 1087ii

CFR Citation: 34 CFR 674

Legal Deadline: None.

Abstract: These amendments to Subpart C of the regulations provide strict standards in procedures for the collection of student loans under the Perkins Loan Program and will help reduce the number of defaulted loans under that program.

Timetable:

Action	Date	FR Cite
NPRM	02/26/85	50 FR 7872
NPRM Comment Period End	04/12/85	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA02

454. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None.

Abstract: See Preamble. RIN 1840-AA02 is now a separate regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period End	04/29/85	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Room 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA03

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

455. CARL D. PERKINS SCHOLARSHIP PROGRAM

CFR Citation: 34 CFR 653

Completed:

Reason	Date	FR Cite
Final Action	10/06/86	51 FR 35582
Final Action Effective	11/18/86	

Small Entity: No

Agency Contact: Neil C. Nelson 202 472-4265

RIN: 1840-AA35

456. NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn This regulation has been retitled (see RIN 1810-AA35)	01/21/87	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz 202 245-2787

RIN: 1840-AA36

457. COLLEGE HOUSING PROGRAM; FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, OR RENOVATION OF HIGHER ED. FACILITIES; LOAN MANAGEMENT

CFR Citation: 34 CFR 614; 34 CFR 615; 34 CFR 617

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/87	

Small Entity: Undetermined

Agency Contact: Samuel J. Weaver 202 472-9300

RIN: 1840-AA30

458. STUDENT ASSISTANCE GENERAL PROVISIONS -- QC/QA SYSTEM

Significance: Regulatory Program

CFR Citation: 34 CFR 668

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43332
Final Action Effective	01/29/87	

Small Entity: No

Agency Contact: Fred Sellers 202 472-4300

RIN: 1840-AA39

459. GUARANTEED STUDENT LOAN/PLUS PROGRAMS

Significance: Regulatory Program

CFR Citation: 34 CFR 682; 34 CFR 683

ED—OPE **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	10/10/86	51 FR 40886
Final Action Effective	11/24/86	

Small Entity: No

Agency Contact: Carol Roberts 202 245-2475

RIN: 1840-AA04

460. PELL GRANT PROGRAM - CALCULATION PROCEDURES

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Withdrawn	01/21/87	

Small Entity: Undetermined

Agency Contact: Mike High 202 472-4300

RIN: 1840-AA51

461. PELL GRANT PROGRAM – ADS AMENDMENTS

CFR Citation: 34 CFR 690

Completed:

Reason	Date	FR Cite
Final Action	11/28/86	51 FR 43160
Final Action Effective	01/29/87	

Small Entity: Undetermined

Agency Contact: Mike High 202 472-4300

RIN: 1840-AA52

462. STATE STUDENT INCENTIVE GRANT PROGRAM

CFR Citation: 34 CFR 692

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43310
Final Action Effective	01/29/87	

Small Entity: Undetermined

Agency Contact: Neil C. Nelson 202 472-4265

RIN: 1840-AA53

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Proposed Rule Stage

463. ● ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1401; 20 USC 1412; 20 USC 1413

CFR Citation: 34 CFR 300

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Jeffrey Champagne, Branch Chief, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3613 - Switzer Bldg), Washington, DC 20202, 202 732-1056

RIN: 1820-AA71

464. ● PRESCHOOL GRANTS FOR HANDICAPPED CHILDREN'S PROGRAM

Legal Authority: 20 USC 1419

CFR Citation: 34 CFR 301

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Nancy Treusch, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, Switzer Bldg. (Rm. 4094), Washington, DC 20202, 202 732-1097

RIN: 1820-AA48

465. ● GRANTS FOR INFANTS AND FAMILIES

Legal Authority: 20 USC 1471 to 1485

CFR Citation: 34 CFR 303

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas B. Irvin, Educational Program Specialist, Division of Policy, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3092 - Switzer Bldg.), Washington, DC 20202, 202 732-1012

RIN: 1820-AA49

466. ● REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1406

CFR Citation: 34 CFR 304

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Jeffrey Champagne, Branch Chief, Program Administrative Branch, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW (Rm. 3613 - Switzer Bldg.), Washington, DC 20202, 202 732-7056

RIN: 1820-AA51

467. ● SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas R. Behrens, Division Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1165

RIN: 1820-AA53

468. ● HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Legal Authority: 20 USC 1424

CFR Citation: 34 CFR 309

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Ruth Ward, Educational Program Specialist, Division Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1045

RIN: 1820-AA54

469. ● PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN

Legal Authority: 20 USC 1424

CFR Citation: 34 CFR 315

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Thomas R. Behrens, Division Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1154

RIN: 1820-AA55

470. ● TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - PARENT TRAINING AND INFORMATION CENTERS; SPECIAL PROJECTS; AND GENERAL

Legal Authority: 20 USC 1431; 20 USC 1434

CFR Citation: 34 CFR 316; 34 CFR 317; 34 CFR 318

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg), Washington, DC 20202, 202 732-1068

RIN: 1820-AA68

471. ● TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - GRANTS TO STATE EDUCATIONAL AGENCIES FOR TRAINEESHIPS

Legal Authority: 20 USC 1431; 20 USC 1432; 20 USC 1434

CFR Citation: 34 CFR 319

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1068

RIN: 1820-AA56

472. ● CLEARINGHOUSES FOR THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1433

CFR Citation: 34 CFR 320

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Helen S. Corradino, Educational Program Specialist, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer

Bldg.), Washington, DC 20202, 202 732-1167

RIN: 1820-AA58

473. ● TRAINING PROGRAMS FOR TEACHERS OF HANDICAPPED CHILDREN IN AREAS WITH A SHORTAGE

Legal Authority: 20 USC 1119b to 1119b-5

CFR Citation: 34 CFR 322

Legal Deadline: None.

Abstract: See preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Ed. and Rehab. Services, 400 Md. Ave., SW (Rm. 3511-Switzer Bldg.), Washington, DC 20202, 202 732-1068

RIN: 1820-AA75

474. ● CAPTIONED FILMS LOAN SERVICE FOR THE DEAF PROGRAM AND EDUCATIONAL MEDIA LOAN SERVICE FOR THE HANDICAPPED PROGRAM

Legal Authority: PL 99-457

CFR Citation: 34 CFR 330; 34 CFR 331

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood, Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1172

RIN: 1820-AA61

475. ● TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR THE HANDICAPPED

Legal Authority: 20 USC 1461 to 1462

CFR Citation: 34 CFR 333

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg.), Washington, DC 20202, 202 732-1099

RIN: 1820-AA63

476. ● NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH - AMENDMENTS

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 350; 34 CFR 351; 34 CFR 352; 34 CFR 353; 34 CFR 354; 34 CFR 355; 34 CFR 356; 34 CFR 357; 34 CFR 358; 34 CFR 359

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Rehabilitation Amendments of 1986, PL 99-506.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW (Rm. 3070 - Switzer Bldg.), Washington, DC 20202, 202 732-1139

RIN: 1820-AA65

477. ● HANDICAPPED RESEARCH: RESEARCH FELLOWSHIP AND RESEARCH TRAINING AND CAREER DEVELOPMENT

Legal Authority: 29 USC 760 to 762

CFR Citation: 34 CFR 356; 34 CFR 360

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Rehabilitation Amendments of 1986, PL 99-506.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md, Ave., SW, (Rm. 3070 - Switzer Bldg.), Washington, DC 20202, 202 732-1139

RIN: 1820-AA66

478. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA40

ED—OSERS

Proposed Rule Stage

479. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - ADDITIONAL AMENDMENTS

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: These regulations would provide certain amendments to existing regulations for program improvement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA46

480. ● THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 361

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA47

481. ● REHABILITATION SERVICES ADMINISTRATION GENERAL REGULATORY REVIEW

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390; 34 CFR 395

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA45

482. ● THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Legal Authority: 29 USC 777(a)(1)

CFR Citation: 34 CFR 363

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA44

483. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None.

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Francis Corrigan, Deputy Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3030, Switzer Building), Washington, DC 20202, 202 732-1287

RIN: 1820-AA37

484. ● INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

Legal Authority: PL 99-506

CFR Citation: 34 CFR 367

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA41

485. ● PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS AND LONG-TERM TRAINING

Legal Authority: 29 USC 711(c); 29 USC 750; 29 USC 774

CFR Citation: 34 CFR 371; 34 CFR 386

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

ED—OSERS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA43

486. ● VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS/SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOYMENT SERV. TO INDIV. WITH SEVERE HANDICAPS

Legal Authority: 20 USC 777(a)(1)

CFR Citation: 34 CFR 373; 34 CFR 380

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, Room 3220, Switzer Bldg., Washington, DC 20202, 202 732-1299

RIN: 1820-AA76

487. ● SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTHS WITH HANDICAPS

Legal Authority: PL 99-506

CFR Citation: 34 CFR 376

Legal Deadline: None.

Abstract: These regulations would implement the changes to the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA74

DEPARTMENT OF EDUCATION (ED)
Office of Special Education and Rehabilitative Services (OSERS) **Final Rule Stage**

488. ● REGIONAL RESOURCE AND FEDERAL CENTERS PROGRAM

Legal Authority: 20 USC 1421

CFR Citation: 34 CFR 305

Legal Deadline: None.

Abstract: These regulations needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Etta Waugh, Branch Chief, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg.), Washington, DC 20202, 202 732-1052

RIN: 1820-AA52

489. ● RESEARCH IN EDUCATION OF THE HANDICAPPED PROGRAM

Legal Authority: 20 USC 1441; 20 USC 1442

CFR Citation: 34 CFR 324

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA69

490. ● SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

Legal Authority: 20 USC 1425

CFR Citation: 34 CFR 326

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: William Halloran, Acting Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 4094 - Switzer Bldg.), Washington, DC 20202, 202 732-1112

RIN: 1820-AA59

ED—OSERS

Final Rule Stage

491. ● HANDICAPPED SPECIAL STUDIES PROGRAM

Legal Authority: 20 USC 1418

CFR Citation: 34 CFR 327

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Linda Glidewell, Educational Program Specialist, Division of Innovation and Development, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3094 - Switzer Bldg), Washington, DC 20202, 202 732-1099

RIN: 1820-AA72

492. ● EDUCATIONAL MEDIA RESEARCH, PRODUCTION, DISTRIBUTION, AND TRAINING

Legal Authority: 20 USC 1452

CFR Citation: 34 CFR 332

Legal Deadline: None.

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Malcolm J. Norwood, Branch Chief, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3511 - Switzer Bldg), Washington, DC 20202, 202 732-1172

RIN: 1820-AA73

493. ● MISCELLANEOUS TECHNICAL AMENDMENTS TO THE REHABILITATION SERVICES REGULATIONS

Legal Authority: 29 USC 711(c); 29 USC 796(e); 29 USC 732; 29 USC 750; 29 USC 775; 29 USC 777(a)(1) to 777(a)(3)

CFR Citation: 34 CFR 365; 34 CFR 366; 34 CFR 369; 34 CFR 370; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None.

Abstract: These regulations would implement certain changes to the Rehabilitation Act of 1973, made by the Rehabilitation Act Amendments of 1986. (PL 99-506)

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202, 202 732-1299

RIN: 1820-AA39

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Completed Actions

494. ●POSTSECONDARY EDUCATION PROGRAMS FOR HANDICAPPED PERSONS

CFR Citation: 34 CFR 338

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6142

Small Entity: Undetermined

Agency Contact: Joseph Rosenstein 202 732-1176

RIN: 1820-AA64

495. ●SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING TRANSITIONAL REHABILITATION SERVICES TO YOUTHS WITH HANDICAPS

CFR Citation: 34 CFR 376

Completed:

Reason	Date	FR Cite
Withdrawn	03/02/87	

Small Entity: Undetermined

Agency Contact: Albert Rotundo 202 732-1299

RIN: 1820-AA42

DEPARTMENT OF EDUCATION (ED)

Office of Intergovernmental and Interagency Affairs (EDSI)

Proposed Rule Stage

496. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None.

Abstract: This regulatory action would propose those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Hazel Fiers, Special Advisor, Management, Department of

Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW, Room 3021, FOB-6, Washington, DC 20202, **202 472-5123**

RIN: 1860-AA00

DEPARTMENT OF EDUCATION (ED)

Miscellaneous Department of Education (EDMIS)

Proposed Rule Stage

497. INVENTIONS AND PATENTS -- GENERAL

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 6

Legal Deadline: None.

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Richard Galloway, Chief, Acquisition Policy Branch, Department of Education, Miscellaneous Department of Education, Departmental Management, 400 Maryland Ave., SW, (Rm. 3519, ROB-3), Washington, D.C. 20202, **202 732-2525**

RIN: 1801-AA04

498. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None.

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect recent amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Peter Wathen-Dunn, General Attorney, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Ave., SW, Room 4087, Washington, DC 20202, **202 732-2690**

RIN: 1801-AA01

499. DUE PROCESS REGULATIONS

Legal Authority: 20 USC 1234; 20 USC 3872; 20 USC 1411 to 1420

CFR Citation: 34 CFR 78; 34 CFR 204; 34 CFR 300

Legal Deadline: None.

Abstract: The Department plans to revise and consolidate due process regulations governing notice and hearings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Agency Contact: Barry Stevens, Counsel to the Inspector General, Office of the General Counsel, Department of Education, Miscellaneous Department of Education, 400 Maryland Avenue, SW, Room 4121, FOB-6, Washington, DC 20202, **202 732-2730**

RIN: 1801-AA02

[FR Doc. 87-6604 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1987 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE either expects to undertake through March 1988 or has completed since October 1986. This agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before April 1988, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the October 1986 Regulatory Agenda. In addition, the agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The agenda may not include all routine regulations or those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291, 46 FR 13193 (February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. Under the Executive Order, the Office of Management and Budget (OMB) sets forth standards and procedures for the preparation of these agendas.

There are important reasons for preparing this agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts.

For fiscal year 1987, the Department is committed to a target of at least a 5 percent reduction in the paperwork burden imposed by its information collections on the public. This goal again excludes the paperwork reduction effort of the Federal Energy Regulatory Commission, which is conducted independently by the Commission. However, it does include the ongoing efforts of the Energy Information Administration to reduce the burden of its energy information and statistical collections on the public. As in previous fiscal years, special attention will continue to be given to the paperwork burden of the Department's information collections imposed on its management and operating contractors, offsite contractors and grant recipients inasmuch as this is the largest element of the Department's overall paperwork burden load on the public.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602. The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities;" (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule.

Appended to this notice is DOE's April 1987 Regulatory Agenda, reflecting the status of rules listed as of approximately February 15, 1987. Incorporated in this agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

The April 1987 Regulatory Agenda has been prepared in accordance with OMB Bulletin 87-6. Regulatory activities have been divided among categories according to their next stage: prerulemaking action, proposed rule, final rule, or completed action.

Regulations designated as "significant" are those which are also included in the Regulatory Program of the United States Government, prepared pursuant to Executive Order 12498, 50 FR 1036 (January 8, 1985). Significant regulations also include those which, while not of Government-wide interest or importance, nevertheless are priorities of the individual agencies.

Each item will contain the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, if the regulation also is included in the Regulatory Program or, if not, is a DOE priority regulation); (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (7) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (PL) or the Executive Order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is,

DOE

regulations completed or withdrawn and reviews completed since the preceding agenda) states the date and citation, if appropriate.

On February 25, 1987, a draft of the agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in October 1987.

Issued in Washington, DC on March 6, 1987.

J. Michael Farrell,

General Counsel.

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
500	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
501	Energy Conservation Performance Standards for New Buildings; Subpart A-Voluntary Performance Standards for New Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
502	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
503	Energy-Efficiency Standards for Major Household Appliances	1904-AA28
504	State Energy Conservation Program (SECP) -- Use of Oil Overcharge Funds for Building Energy Conservation Materials and Equipment	1904-AA30
505	Amendments to the Residential Conservation Service and the Commercial and Apartment Conservation Service	1904-AA31

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
506	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
507	Energy Conservation Performance Standards for New Buildings; Subpart C-Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
508	Energy Efficiency Test Procedures -- Waiver	1904-AA22

Defense Programs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
509	Criteria and Procedures for Determining Eligibility for Designated Human Reliability Program Critical Positions	1992-AA11

Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
510	Restrictions on Aircraft Landing and Air Delivery at Department of Energy Nuclear Sites	1992-AA12

DOE

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
511	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
512	Annotation of Land Records and Documentation of Property Owner Refusals to Participate in the Uranium Mill Tailings Remedial Action Program	1901-AA12
513	Model Federal Policy for Protection of Human Research Subjects	1901-AA13
514	Permits for Access to Restricted Data in the Uranium Enrichment Program	1901-AA14

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
515	Basis of Fees for Disposal of U.S. Department of Energy Defense High-Level Wastes	1901-AA06
516	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA11

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
517	Reports of Major Electric Utility System Emergencies; Revisions	1901-AA10

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
518	Proposed Rule Establishing New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
519	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
520	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
521	Department of Energy Acquisition Regulation; Management and Operating Contractor Purchasing Systems	1991-AA25
522	Department of Energy Property Management Regulation; Official Use of Motor Vehicles	1991-AA28
523	Department of Energy Acquisition Regulation; Miscellaneous Changes on Acquisition of Personal Property	1991-AA32
524	Department of Energy Financial Assistance Rules; Property Provisions	1991-AA34
525	Department of Energy Financial Assistance Rules; Restriction of Eligibility	1991-AA35

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
526	Department of Energy Acquisition Regulation; Miscellaneous Changes to Conform to Federal Acquisition Regulation Changes and Revised Internal Procedures	1991-AA33

DOE

Management and Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
527	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
528	Department of Energy Financial Assistance Rules; Research Grant Administration	1991-AA21
529	Department of Energy Acquisition Regulation; Protest Procedures	1991-AA26
530	Department of Energy Acquisition Regulation (DEAR); Unallowable Costs -- Management and Operating Contracts	1991-AA36
531	Department of Energy Acquisition Regulation; Travel Expense Limitations - Management and Operating Contractors	1991-AA38

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
532	Amendments to Department of Energy Conduct of Employees	1990-AA00
533	Patent Waiver Regulation	1990-AA02
534	Foreign Gifts and Decorations	1990-AA04
535	Clarification of the Term Byproduct Material	1990-AA05
536	Cooperation with the Inspector General	1990-AA06
537	Class Patent Waivers	1990-AA07

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

500. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509

CFR Citation: 10 CFR 436

Legal Deadline: None.

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The Current rulemaking would incorporate a method for determining average energy costs into the life cycle costing analyses.

Timetable:

Action	Date	FR Cite
NPRM	10/23/87	
NPRM Comment Period End	11/27/87	

Small Entity: No

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904-AA06

501. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A-VOLUNTARY PERFORMANCE STANDARDS FOR NEW COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	07/15/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904-AA08

502. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department is preparing a new NPRM. This NPRM will propose a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters. In addition to the A. O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM	03/00/87	

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA12

503. ENERGY-EFFICIENCY STANDARDS FOR MAJOR HOUSEHOLD APPLIANCES

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Statutory. The NAECA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant standards in a period from 7/1/94 to 12/31/2006. Also statutory deadlines for a proposal on standards for (cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA) was enacted March 17, 1987. The NAECA extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; and kitchen ranges and ovens. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law.

In prescribing any amended standards, the Department may not increase the maximum allowable energy use or decrease the minimum required energy efficiency of a covered product, although (cont)

Timetable:

Review of Standards, Refrigerators, and Related Products
- NPRM 07/01/88
- Final Action 07/01/89
- ANPRM 00/00/00

Set Initial Standard Level, Small Gas Furnaces
- Final Action 01/01/89
- ANPRM 00/00/00
- NRPM 00/00/00

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: the Department may determine that the standards should remain the same. The NAECA essentially retains the requirements of pre-existing law regarding the Department's evaluation of the technological feasibility and economic justification of standards. The NAECA creates a rebuttable presumption that proposed standard levels are economically justified if the Department finds the additional first cost to the consumer will be paid back from operating savings in three years or less.

LEGAL DEADLINE CONT: refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89).

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA28

504. ● STATE ENERGY CONSERVATION PROGRAM (SECP) -- USE OF OIL OVERCHARGE FUNDS FOR BUILDING ENERGY CONSERVATION MATERIALS AND EQUIPMENT

Legal Authority: 42 USC 6321 to 6327

CFR Citation: 10 CFR 420, (Revision)

Legal Deadline: None.

Abstract: The Department of Energy (DOE) is proposing to ease some of the provisions regarding prohibited expenditures under the State Energy Conservation Program (SECP). DOE proposes to modify the prohibition on the use of SECP funds to purchase or install equipment or materials for building retrofit measures and to clarify certain other provisions in the existing rules. In doing so, DOE is attempting to resolve some issues which have been expressed as concerns of many states for several years. In addition, a U.S. District Court ordered DOE to consider a rulemaking on this subject. The major impact of the rule change would be to allow states greater discretion in spending oil overcharge monies on capital equipment benefiting their citizens.

DOE—CE

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Nancy Tate, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, Energy Management and Extension, Office of State and Local Assistance, Washington, DC 20585, 202 586-8295

RIN: 1904-AA30

505. ● AMENDMENTS TO THE RESIDENTIAL CONSERVATION SERVICE AND THE COMMERCIAL AND APARTMENT CONSERVATION SERVICE

Significance: Regulatory Program

Legal Authority: 42 USC 8211 et seq; 42 USC 8281 et seq; PL 99-412 Conservation Service Reform Act of 1986

CFR Citation: 10 CFR 456, (Revision); 10 CFR 458, (Deletion)

Legal Deadline: Statutory, August 28, 1986. Rules promulgated under section 212 of the National Energy Conservation Policy Act must be amended within the one hundred and eighty day period after the August 28, 1986, enactment of the Conservation Service Reform Act.

Abstract: The Conservation Service Reform Act of 1986 (Act) Requires changes to the Residential Conservation Service (RCS) and repeals the Commercial and Apartment Conservation Service (CACS) except for CACS plans approved before August 1, 1984. RCS and CACS required large electric and natural gas utilities to perform energy audits of their eligible customers upon request, and to provide other services. Required changes in the RCS program include deletion of some required services, program termination on June 30, 1989, provisions for alternative State plans, and for utilities to obtain waiver of plan requirements. Except for alternative State plans, these changes were made in a notice of interim final rulemaking because the rule reflects non-discretionary requirements which are explicitly set forth in the Act. Procedures for processing complaints about adequacy of implementation of alternative State plans, and for annual reports on any CACS State plan excepted from the general repeal of CACS involve discretion and were published in a notice of proposed rulemaking. Consistent with departmental policy, these procedures are designed to minimize the expense or other burdens of (CONT)

Timetable:

Action	Date	FR Cite
NPRM	02/24/87	
Interim Final Rule	02/24/87	
Public Hearing	04/20/87	
NPRM Comment Period End	05/05/87	
Final Action	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: complying.

Agency Contact: Harry L. Lane, Supervisory Energy Conservation Specialist, Department of Energy, Conservation and Renewable Energy, Residential and Commercial Conservation, Office of State and Local Assistance, Washington, DC 20585, 202 586-1893

RIN: 1904-AA31

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Conservation and Renewable Energy (CE)

506. ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waivers granted to Borg-Warner Central Environmental Systems and United Technologies, Carrier Corporation for their variable speed heat pumps; and to incorporate, by reference, three industry standards, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 116-83, the Air-Conditioning and Refrigeration Institute (ARI) Standard 210/240-84 and Air-Conditioning and Refrigeration Institute Standard 325-85, into the test procedures.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	04/02/85	50 FR 13042
NPRM	10/07/86	51 FR 35736
Extension of Comment Period	11/07/86	51 FR 40442
NPRM Comment Period End	01/30/87	51 FR 40442
Final Action	09/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: A Notice of Inquiry was published in the Federal Register on April 2, 1985 to request comments on a rating procedure to determine the energy performance of a central air conditioner combination (condensing unit and indoor coil) without conducting the full laboratory procedure prescribed by the DOE test procedures. DOE proposed such a rating method in the proposed rulemaking.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904-AA23

507. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C-MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

DOE—CE

Final Rule Stage

Legal Deadline: Statutory, October 1983. Deadline for Final Rule.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
Extension of Comment Period	11/18/86	51 FR 222
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	07/00/87	

Small Entity: No

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, **202 586-9445**

RIN: 1904-AA27

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Completed Actions

508. ENERGY EFFICIENCY TEST PROCEDURES – WAIVER

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.27

Legal Deadline: None.

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The Department can temporarily waive test procedure requirements for a particular covered product when characteristics of that product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The purpose of this rulemaking is to streamline the waiver process.

Timetable:

Action	Date	FR Cite
NPRM	04/16/86	51 FR 12861
NPRM Comment Period End	06/16/86	51 FR 12861
Final Action	11/26/86	51 FR 42823
Final Action Effective	12/29/86	51 FR 42823

Small Entity: No

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904-AA22

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Prerule Stage

509. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR DESIGNATED HUMAN RELIABILITY PROGRAM CRITICAL POSITIONS

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec. 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec. 161

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Department of Energy, because of its mission involving nuclear weapons and special nuclear materials, requires a reliable and drug-free work-force. At present, thousands of people within the DOE-contractor work-force are in daily close proximity to nuclear weapons, weapons components, or special nuclear material without the benefit of a human reliability program (HRP). This action would develop an integrated screening and evaluation process for making suitability determinations for individuals applying for or currently holding jobs identified as HRP positions.

Timetable:

Action	Date	FR Cite
Position Papers Establishing Nexus	03/00/87	
Statement of Policy	03/00/87	
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Interim Final Rule	10/00/87	
Final Action	11/00/87	

Small Entity: No

Additional Information: Current policy changes to proposed HRP operating procedures may negate the need for a public rule. A decision on this will be forthcoming following a formal statement of policy.

Agency Contact: Martin Hershkowitz, Coordinator for Human Reliability Programs, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-343.1, Washington, DC 20585, **301 353-5671**

RIN: 1992-AA11

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Final Rule Stage

510. RESTRICTIONS ON AIRCRAFT LANDING AND AIR DELIVERY AT DEPARTMENT OF ENERGY NUCLEAR SITES

Significance: Agency Priority

Legal Authority: 42 USC 2201; 42 USC 2278.a

CFR Citation: 10 CFR 862

Legal Deadline: None.

Abstract: Regulation would enhance security at DOE nuclear sites by restricting unofficial aircraft landing and unofficial air delivery of persons or cargo. Exceptions are granted for emergencies with prior notification to DOE if possible. Impact on public would be minimal since activities restricted by regulations are not condoned by DOE currently.

Timetable:

Action	Date	FR Cite
NPRM	10/06/86	51 FR 35518
NPRM Comment Period End	11/20/86	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: John Hnatio, Security Specialist, Office of Safeguards and Security, Department of Energy, Defense Programs, Room E-335, Germantown, MD 20545, **301 353-2478**

RIN: 1992-AA12

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

511. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None.

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre and post award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division, Department of Energy, Departmental and Others, (ER64), Washington, DC 20545, **301 353-5544**

RIN: 1901-AA07

512. ● ANNOTATION OF LAND RECORDS AND DOCUMENTATION OF PROPERTY OWNER REFUSALS TO PARTICIPATE IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: Statutory, March 31, 1990. DOE will propose to extend UMTRA authorization period to 9/30/93.

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James A. Turi, Director, Uranium Mill Tailings Project Division, NE-22, Department of Energy, Departmental and Others, Washington, DC 20545, **301 353-2585**

RIN: 1901-AA12

513. ● MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None.

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
Proposed Model Policy for Protection of Human Subjects	06/03/86	51 FR 106
NPRM	12/00/87	

Small Entity: No

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division, Washington, DC 20545, **301 353-4731**

RIN: 1901-AA13

514. ● PERMITS FOR ACCESS TO RESTRICTED DATA IN THE URANIUM ENRICHMENT PROGRAM

Legal Authority: 42 USC 2201(v), Sec 161(v) Atomic Energy Act

CFR Citation: 10 CFR 725

Legal Deadline: None.

Abstract: There is a need to update existing regulations which permit private access to restricted data involving the gas centrifuge uranium

DOE—ENDEP **Proposed Rule Stage**

enrichment process. This rulemaking would authorize access to certain restricted data by persons interested in acquiring centrifuge machines and related equipment and materials for commercial purposes not involving uranium enrichment. Such machines and equipment have been made surplus to DOE's needs as a result of DOE's cancellation of its Gas Centrifuge Enrichment Plant and advanced Gas Centrifuge Development Program in June 1985.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Hearing	06/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Larry Leiken, Attorney, Office of General Counsel, Department of Energy, Departmental and Others, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-6975

RIN: 1901-AA14

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

515. BASIS OF FEES FOR DISPOSAL OF U.S. DEPARTMENT OF ENERGY DEFENSE HIGH-LEVEL WASTES

Legal Authority: PL 97-425, Sec 302; PL 97-425, Sec 8

CFR Citation: 10 CFR 961

Legal Deadline: None.

Abstract: The purpose of this action is to develop a basis for total fees to be paid by DOE Defense Programs into the Nuclear Waste Fund for the disposal of defense high-level waste in repositories to be constructed pursuant to the Nuclear Waste Policy Act of 1982. The Department will consider several options relating to the determination of total charges. Fee schedules will be established via the budgetary process.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	12/02/86	51 FR 43566
Final Action	09/00/87	

Small Entity: No

Additional Information: The Department has eliminated the entry for this rulemaking, believing that the better method for seeking public comment on the fee-setting methodology was the nonregulatory Notice of Inquiry. The methodology will not have a binding, regulatory effect on any member of the public. The methodology is intended to be used to support budget requests from Congress, which may choose to provide appropriations based on its own methodology or other basis. Public comment was due by February 2, 1987, and will be considered in establishing the methodology.

Government Levels Affected: Federal

Agency Contact: Ronald Milner, Director, Analytical Services & Financial Management, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste Mgmt., (RW-12), Washington, DC 20585, 202 586-9173

RIN: 1901-AA06

516. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961, (Revision)

Legal Deadline: None.

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste [48 FR 16590]. On December 6, 1985, the U.S. Court of Appeals for the District of Columbia Circuit ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on net generation of electricity rather than gross generation of electricity as adopted in the final rule (Wisconsin Electric Power Co. et al. v. Hodel, Nos. 83-1066 and 84-8571). This notice publishes for comment amendments to Article I.13, Article VIII.A1 and B.1, and Appendix G of the standard disposal contract to be consistent with the court's ruling. This amendment is expected to reduce revenues from the ongoing fee by about 3 to 5 percent.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40684
NPRM Comment Period End	12/08/86	51 FR 40684
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Utility Contracts Manager, Department of Energy, Departmental and Others, Forrestal Building, GB-270, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-4973

RIN: 1901-AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

517. REPORTS OF MAJOR ELECTRIC UTILITY SYSTEM EMERGENCIES; REVISIONS

Legal Authority: 16 USC 824a(a); 16 USC 825j; 42 USC 7151(b)

CFR Citation: 10 CFR 205.350 to 205.353

Legal Deadline: None.

Abstract: The proposed regulation revises the requirements for electric utilities to report major emergencies on electric power systems so that DOE can determine if any Federal actions are needed. There are no alternatives. Costs are minor. Benefit is that the reporting burden is reduced.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26399
NPRM Comment Period End	09/08/86	51 FR 26399
Final Action	10/31/86	51 FR 39743
Final Action Effective	12/01/86	51 FR 39743

Small Entity: No

Agency Contact: James M. Brown, Jr., Chief of Energy Data Analysis, Department of Energy, Departmental and Others, IE-242, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-5150

RIN: 1901-AA10

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

518. PROPOSED RULE ESTABLISHING NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None.

Abstract: The proposed rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The purpose of the proposed rule is to reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
Public Hearing	06/02/87	
NPRM Comment Period End	06/19/87	

Small Entity: No

Agency Contact: Constance L. Buckley, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1903-AA07

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Proposed Rule Stage

519. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600C

Legal Deadline: None.

Abstract: This revision would conform DOE rules on cooperative agreement award and administration with DOE and government-wide financial assistance policy (the latter contained in OMB circulars A-102 and A-110) and would reflect DOE experience under the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	07/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Business and Financial Policy Branch, Department of Energy, Management and Administration, MA-421.2, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA03

520. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None.

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	

DOE—MA

Proposed Rule Stage

Action	Date	FR Cite
Final Action Effective	01/00/88	

Small Entity: No

Agency Contact: Ellen L. Feinsilber, Chief, Procurement Policy Branch, Department of Energy, Management and Administration, MA-421.1, Washington, DC 20585, 202 586-8264

RIN: 1991-AA23

521. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MANAGEMENT AND OPERATING CONTRACTOR PURCHASING SYSTEMS

Legal Authority: 42 USC 2011 et seq; 42 USC 7154

CFR Citation: 48 CFR 970

Legal Deadline: None.

Abstract: This action would update and consolidate in one place all provisions applicable to the subcontracting practices of DOE management and operating contractors.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991-AA25

522. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION; OFFICIAL USE OF MOTOR VEHICLES

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None.

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/31/87	
Final Action Effective	01/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA28

523. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES ON ACQUISITION OF PERSONAL PROPERTY

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 907; 48 CFR 944; 48 CFR 945; 48 CFR 951; 48 CFR 952

Legal Deadline: None.

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	10/30/87	
Final Action	12/31/87	
Final Action Effective	01/31/88	

Small Entity: No

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991-AA32

524. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; PROPERTY PROVISIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.117

Legal Deadline: None.

Abstract: This revision would update and clarify the property provisions of the rule. The principal change would be to raise the dollar threshold for recipient recordkeeping and property accountability under the Department of Energy Financial Assistance Rules (FAR).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	
Final Action Effective	11/00/87	

Small Entity: No

Additional Information: Related to 1991-AA21.

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991-AA34

525. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESTRICTION OF ELIGIBILITY

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.6; 10 CFR 600.7; 10 CFR 600.9; 10 CFR 600.14; 10 CFR 600.106

Legal Deadline: None.

Abstract: This regulatory revision of DOE Financial Assistance Rules (FAR) would establish more detailed documentation procedures and clarify the restricted eligibility requirements governing financial assistance awards on a non-competitive basis.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: No

Additional Information: Related to 1991-AA21.

DOE—MA

Proposed Rule Stage

Agency Contact: James J. Cavanagh, Chief, Business & Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-8173**

RIN: 1991-AA35

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

526. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES TO CONFORM TO FEDERAL ACQUISITION REGULATION CHANGES AND REVISED INTERNAL PROCEDURES

Legal Authority: 42 USC 7254 Department of Energy Organization Act

CFR Citation: 48 CFR 902; 48 CFR 904; 48 CFR 913; 48 CFR 915; 48 CFR 917; 48 CFR 919; 48 CFR 925; 48 CFR 952; 48 CFR 970

Legal Deadline: None.

Abstract: This action is for the purpose of updating the Acquisition Regulation as a result of changes in the Federal Acquisition Regulation and internal procedures. It discontinues the use of DOE Small Purchase Forms as GSA has issued forms for that purpose. It increases the threshold for formal source evaluation boards from $5 to $10 million. It adds a new solicitation provision entitled "Buy America Act - Construction Materials." It also provides new guidance on Small Business Subcontract Plans Under Management Contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34656
NPRM Comment Period End	11/27/86	50 FR 43589
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Ellen L. Feinsilber, Chief, Procurement Policy Branch, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, **202 586-8264**

RIN: 1991-AA33

527. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 951

Legal Deadline: None.

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action	04/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Agency Contact: William Stevenson, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-8193**

RIN: 1991-AA37

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

528. DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES; RESEARCH GRANT ADMINISTRATION

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 600.20; 10 CFR 600.102; 10 CFR 600.103; 10 CFR 600.106; 10 CFR 600.108; 10 CFR 600.114; 10 CFR 600.115; 10 CFR 600.119; 10 CFR 600.3

Legal Deadline: None.

Abstract: The revised regulation would provide modified and simplified policies and procedures with respect to research administration. The revision would eliminate burdensome obligations such as prior approval of certain budgetary changes and would permit more flexibility in the use of funds awarded.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32684
NPRM Comment Period End	09/12/85	50 FR 32684
Final Action	10/28/86	51 FR 39365
Final Action Effective	01/28/87	51 FR 39365

Small Entity: No

Agency Contact: Edward F. Sharp, Procurement Analyst, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-8192**

RIN: 1991-AA21

529. DEPARTMENT OF ENERGY ACQUISITION REGULATION; PROTEST PROCEDURES

Legal Authority: 41 USC 301 et seq

CFR Citation: 48 CFR 914; 48 CFR 933; 48 CFR 952; 48 CFR 970

Legal Deadline: None.

Abstract: To provide new bid protest procedures. This action is the Department's Implementation of the government-wide policy of the Federal Acquisition Regulation required by the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 13053
NPRM Comment Period End	05/28/85	50 FR 13053

DOE—MA **Completed Actions**

Action	Date	FR Cite
Final Action	09/03/86	51 FR 3133
Final Action Effective	11/03/86	51 FR 3133

Small Entity: No

Agency Contact: L. J. Tillman, Director, Business Clearance, Department of Energy, Management and Administration, 1000 Independence Ave, SW, Washington, DC 20585, 202 586-9065

RIN: 1991-AA26

530. DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR); UNALLOWABLE COSTS — MANAGEMENT AND OPERATING CONTRACTS

Legal Authority: PL 99-145, Sec 1534

CFR Citation: 48 CFR 970

Legal Deadline: Statutory, April 7, 1986. Publication of final rule.

Abstract: Amend procurement regulations (DEAR) to make unallowable for reimbursement under DOE Management and Operating contracts the ten cost items specified in Section 1534 as non-allowable costs.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7469
NPRM Comment Period End	04/03/86	
Extension of Comment Period	05/03/86	51 FR 11701
Final Action	01/14/87	52 FR 1602
Final Action Effective	01/14/87	52 FR 1602

Small Entity: No

Additional Information: Final rule is being drafted. Extensive coordination with GC-34, DP-1, ER-1 is required before final rule can be published.

Agency Contact: Rudolph J. Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8175

RIN: 1991-AA36

531. DEPARTMENT OF ENERGY ACQUISITION REGULATION; TRAVEL EXPENSE LIMITATIONS - MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: PL 99-234

CFR Citation: 48 CFR 970

Legal Deadline: Statutory, August 1, 1986.

Abstract: Amend Procurement regulations (DEAR) in order to apply the travel expense limitations established under Federal Civilian Employee and Contractor Travel Expense Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/11/86	51 FR 3234
NPRM Comment Period End	10/14/86	51 FR 3234
Final Action	12/05/86	51 FR 43924
Final Action Effective	12/05/86	51 FR 43924

Small Entity: No

Agency Contact: Rudolph J. Schuhbauer, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8175

RIN: 1991-AA38

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

532. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None.

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
NPRM Comment Period End	11/00/88	

Small Entity: No

Additional Information: As part of the revision of the Department of Energy Conduct of Employees Regulations, we propose to amend Appendix I of the Regulations. We expect final action on this amendment of the Regulations to be completed by June 30, 1987.

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA00

533. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None.

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence

Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990-AA02

534. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None.

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy AGC for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA04

535. CLARIFICATION OF THE TERM BYPRODUCT MATERIAL

Legal Authority: 42 USC 2011 et seq (Atomic Energy Act of 1954)

CFR Citation: 10 CFR 962, (new)

Legal Deadline: None.

Abstract: This regulation will clarify the application of the term Byproduct Material, as defined in section 11(e) (1) of the Atomic Energy Act (42 USC 2014(e) (1)) to Department of Energy owned or produced radioactive waste substances, for the purpose of determining which of these waste substances are Byproduct Material under the Atomic Energy Act, and are therefore not "solid waste" as that term is defined in the Resource Conservation and Recovery Act (42 USC 6901 et seq).

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45736
NPRM Comment Period End	01/02/86	
NPRM	03/15/87	
NPRM Public Comment Period End	06/15/87	

Small Entity: No

Agency Contact: Henry K. Garson, Assistant General Counsel for Environment, Department of Energy, Office of General Counsel, GC-11, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6947

RIN: 1990-AA05

536. ● COOPERATION WITH THE INSPECTOR GENERAL

Legal Authority: 42 USC 7138; 42 USC 7211 to 7218; 42 USC 7254; 42 USC 6392; 42 USC 5816a; 5 USC 301; 5 USC 303(a)

CFR Citation: 10 CFR 1010.217, (new)

Legal Deadline: None.

Abstract: This regulation will codify existing Department of Energy policy and clarify the authority provided by existing statutes and Federal case law with respect to the obligations of Department employees to cooperate with the Office of Inspector General in official investigations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Susan Fonner, Deputy Assistant General Counsel, Office of General Counsel, GC-43, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990-AA06

537. ● CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None.

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20505, 202 586-2802

RIN: 1990-AA07

[FR Doc. 87-6605 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 27, 1986.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Glenn Kamber, Deputy Executive Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-7699.

James J. Delaney,

Executive Secretary to the Department.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
538	Privacy Act Regulation	0991-AA11
539	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
540	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
541	Administration of Grants - Implementation of OMB Circular A-102	0991-AA27
542	Automatic Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0991-AA34
543	Civil Money Penalties for Assistants at Cataract Surgery	0991-AA37
544	Exclusions and Terminations on the Basis of PPS Fraud and Abuse	0991-AA39
545	OIG Civil Money Penalty and Sanction Provisions Resulting from OBRA of 1986	0991-AA40
546	Program Fraud Civil Remedies	0991-AA41
547	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0991-AA42

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
548	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
549	Public Information Regulation	0991-AA07
550	Revision to OIG's Sanction Authorities	0991-AA21
551	Equal Opportunity in Employment; Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
552	Block Grant Programs	0991-AA25
553	Administration of Grants-Implementation of OMB Circular A-88	0991-AA29
554	Administration of Grants-Single Audit Act of 1984	0991-AA30
555	Reimbursement of Indirect Costs Under Project Grants	0991-AA33
556	Withholding Medicaid Payments to Providers Under Criminal Investigation	0991-AA36
557	Block Grant Programs	0991-AA38

HHS

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
558	Automatic Data Processing Equipment and Services -- Conditions for Federal Financial Participation	0991-AA14

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
559	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
560	Claims Collection	0990-AA00
561	Grants to States for Public Assistance Programs	0990-AA01

Office of Human Development Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
562	Head Start Program-Prerulemaking Action	0980-AA15

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
563	Foster Care Maintenance Payments, Adoption Assistance, and Child Welfare Services -- Notice of Proposed Rulemaking	0980-AA08
564	Head Start Program--Final Rule	0980-AA10
565	Runaway and Homeless Youth Program--Notice of Proposed Rulemaking	0980-AA11
566	Head Start Program - Criteria for Selection of New Grantees	0980-AA17
567	Head Start Program - Program Design and Program Options	0980-AA18
568	Head Start Program - Performance Standards for Infants and Toddlers	0980-AA19
569	Head Start Program - Revision of the Appeals Process	0980-AA20
570	Performance Standards for Services to Handicapped Children - Notice of Proposed Rulemaking	0980-AA21

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
571	Developmental Disabilities Program--Notice of Proposed Rulemaking	0980-AA12
572	Consolidation of Grants to the Insular Areas -- Final Rule with Comment Period	0980-AA22

HHS

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
573	Child Abuse & Neglect Prevention & Treatment Program--Final Rules	0980-AA14
574	Head Start Program - Multiple Years of Service	0980-AA16

Social Security Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
575	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Simplified Fee Process for Representatives of Claimants	0960-AA64
576	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
577	Disclosure of Personal Information to Law Enforcement Agencies and Courts (Prerulemaking Activity)	0960-AB66
578	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjudication of Social Security Disability Claims (Pre-Rulemaking Activities)	0960-AB73
579	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Appointing ALJ's to Hear and Decide Cases	0960-AB97
580	Supplemental Security Income Program; Treatment of Proceeds from Home Equity Conversion (HEC) Plans as Income	0960-AC00
581	Old-Age, Survivors, and Disability Insurance Program; Medical Evaluation Criteria for Acquired Immune Deficiency Syndrome (AIDS)	0960-AC06

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
582	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
583	Public Assistance Programs, Treatment of Replacement Checks	0960-AA96
584	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
585	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
586	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
587	Supplemental Security Income Program; Income; Bills Paid for You	0960-AB09
588	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Medical Evidence	0960-AB22
589	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
590	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence	0960-AB34
591	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
592	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
593	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
594	OASDI & SSI Programs; Overpayments, Underpayments, Waiver of Recovery of Overpayments, and Liability of a Certifying Officer	0960-AB78
595	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
596	Old-Age, Survivors, and Disability Insurance Programs; Determining First Month of Entitlement Based on One-Half Support	0960-AB83
597	Organization and Procedures; Availability of Information and Records to the Public--Social Security Rulings--Acquiescence Series	0960-AB85
598	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
599	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlements to Other Benefits	0960-AB87
600	Old Age, Survivors, And Disability Insurance; Black Lung; Supplemental Security Income Programs; Effectuating Component Recommendation That The Appeals Council Review An ALJ Decision	0960-AB90

HHS

Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
601	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Use of Work Evaluations to Evaluate Individuals with Mental Impairments	0960-AB92
602	Old-Age, Survivors, and Disability Insurance Program; Determining Disability and Blindness, Medical-Vocational Guidelines, Illiteracy and Inability to Communicate in English	0960-AB94
603	Supplemental Security Income Program; Spousal Deeming Computation Involving State Supplementation	0960-AB95
604	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
605	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
606	Supplemental Security Income Program; Prohibition on Direct Payment of Fees to Representatives	0960-AC08
607	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Chronic Renal Disease	0960-AC10
608	Supplemental Security Income Program; Define Out of Resources for One Month Certain Cash Payments for Medical/Social Services	0960-AC11
609	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Appeals Council Review and Reopening Authority	0960-AC15
610	Old-Age Survivors and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
611	Old-Age, Surviviors, and Disability Insurance and Supplemental Security Income Program; Evaluation Guides for Determining Substantial Gainful Activity	0960-AC21
612	Supplemental Security Income Program; Employment Opportunities for the Disabled	0960-AC22
613	Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Entities as Representatives of SS Claimants; Fee Paid by Third Party	0960-AC25
614	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
615	Old-Age, Survivors, and Disability Insurance Program; Wages	0960-AC27
616	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
617	Old-Age, Survivors, and Disability Insurance Program; and Organization and Functions; Records of Earnings	0960-AC30

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
618	Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
619	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
620	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
621	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
622	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
623	Old-Age, Survivors, and Disability Insurance Program; Provision for Presuming a Person Is Dead	0960-AA54
624	Old-Age, Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55
625	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
626	Old-Age, Survivors, and Disability Insurance; Effect of Pension from Noncovered Employment	0960-AA65
627	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
628	Old-Age, Survivors, and Disability Insurance Program; US Residence Requirements for Non-Resident Aliens and Deductions for Work Outside the U.S.	0960-AA76
629	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA79
630	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Newly Hired Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
631	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24
632	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
633	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits During Appeal	0960-AB30
634	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31
635	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
636	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance, Performance Standard Revisions, and Other Changes	0960-AB36

HHS

Social Security Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
637	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
638	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
639	Old Age, Survivors, and Disability Insurance Programs; Period of Disability--When You May Not Be Entitled to Benefits	0960-AB82
640	Old Age, Survivors, and Disability Insurance, Supplemental Security Income & Black Lung Programs--Own Motion Review of Fee Determination	0960-AB89
641	Supplemental Security Income Program; Liquid and Nonliquid Resources and Resources Determinations	0960-AC02
642	Supplemental Security Income Program; Pension Funds for Deeming Purposes and Grandfathering Provisions	0960-AC03
643	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AC05
644	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
645	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Application of Dependency Test to Adopted Great-Grandchildren; Demonstration Projects	0960-AC23

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
646	Aid to Families With Dependent Children and Supplemental Security Income Programs; Disregard of Support and Maintenance Assistance Based on Need	0960-AA71
647	Supplemental Security Income Program; Resources; Exclusion of Underpayments	0960-AB11
648	Old Age, Survivors, and Disability Insurance Programs; Withdrawal of an Application	0960-AB84
649	Old-Age Survivors and Disability Insurance Programs; and Organization and Procedures: Removal of List of Title II Application Forms	0960-AC12
650	Supplemental Security Income Program; Disregarding of Support and Maintenance Assistance Based on Need	0960-AC17

Office of Family Assistance—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
651	Medical Support Enforcement #2	0992-AA18
652	Improved Case Processing Standards and Timeframes	0992-AA23
653	Child Support Enforcement Audit Regulations	0992-AA24
654	Distribution of Child Support Collections	0992-AA25

Office of Family Assistance—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
655	Interstate Child Support Enforcement	0992-AA17
656	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0992-AA19
657	Disregard of Child Support Payments; Regulations Implementing the Deficit Reduction Act of 1984	0992-AA20

HHS

Public Health Service—Office of Assistant Secretary for Health (OASH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
658	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
659	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26
660	Obligated Service for Mental Health Traineeships	0905-AB48

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
661	Improve Standards for Respirator Devices	0905-AB58

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
662	Project Grants for Health Programs for Refugees	0905-AB43
663	Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
664	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51
665	Medical Examination of Aliens	0905-AB96

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
666	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
667	Drug Exports	0905-AC44

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
668	Over-the-Counter (OTC) Drug Review	0905-AA06
669	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
670	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
671	New Animal Drug Approval Process	0905-AA96
672	Policies Concerning Uses of Sulfiting Agents	0905-AB52
673	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
674	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
675	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
676	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72
677	Infant Formula Recalls/Infant Formula Current Good Manufacturing Practices; Quality Control Procedures	0905-AC46

HHS

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
678	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
679	Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
680	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
681	Animal Drug Safety Policy	0905-AB04
682	IND Regulations Revision	0905-AB09
683	Proposed User Charge; New Drug Applications, Abbreviated New Drug Applications, New Device Applications, and Antibiotic Applications Review	0905-AB56
684	Provisionally Listed Color Additives	0905-AB60
685	Antibody Test for HTLV-III; General Biological Products Stds.; Additional Standards for Human Blood and Blood Products; Serological Test for Human T-Lymphotropic Virus, Type III	0905-AB62
686	Patent Term Restoration of Regulated Products (Title II of "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB65
687	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
688	Methylene Chloride	0905-AC00
689	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
690	Risk Assessment Policy for Regulating Carcinogenic Impurities in Food and Color Additives	0905-AA12
691	Reporting Requirements for Marketed Animal Drugs	0905-AB06
692	Sulfiting Agents; Labeling in Drugs for Human Use	0905-AB38
693	Medical Device Amendments: Implementation Improvement	0905-AB54

Public Health Service—Health Resources and Services Administration (HRSA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
694	General Review and Revision of Public Law 93-638 Program and Contracting Regulations	0905-AB98

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
695	Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics	0905-AB50
696	Changes in Public Law 93-638. Regulations to Revise the Declination Appeals Process and Clarify its Scope	0905-AB99
697	Nursing Special Project Grants	0905-AC18
698	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129	0905-AC28
699	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
700	Nursing Student Loan (NSL) Program: Implementation of the Law (Pub. L. 99-92)	0905-AC31
701	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32
702	Geriatric Education Projects	0905-AC33

HHS

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
703	Post-Baccalaureate Faculty Fellowship Program	0905-AC34
704	Grants for Community Health Services Criteria and Procedure for Determining Medically Underserved Populations (MUA)	0905-AC35
705	Health Manpower Shortage Area Designation Criteria	0905-AC50
706	Implementation of Health Care Quality Improvement Act of 1986 (Title IV, Public Law 99-660)	0905-AC51

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
707	Program Grants for Migrant Health Services	0905-AA62
708	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
709	Grants for Nurse Anesthetist Traineeships	0905-AB33
710	Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AB35
711	Indian Eligibility	0905-AB89
712	Grants for Community Health Centers	0905-AC01
713	Health Professions Student Loan (HPSL) Program: Deferment Revisions	0905-AC06
714	Health Education Assistance Loan (HEAL) Program: Deferment Revisions	0905-AC07
715	Nursing Student Loan (NSL) Program: Provisions of the Law (Pub. L. 99-92)	0905-AC10
716	Grants for Nurse Practitioner and Nurse Midwifery Programs	0905-AC11
717	Grants for Graduate Programs in Health Administration	0905-AC12
718	Health Professions Student Loan (HPSL) Program: Provisions of the Law (Pub.L. 99-129)	0905-AC13
719	Programs for the Training of Physician Assistants	0905-AC15
720	Advanced Nurse Education Programs	0905-AC16
721	Financial Assistance for Disadvantaged Health Professions Students	0905-AC19
722	Grants for Residency Training and Advanced Education in the General Practice of Dentistry	0905-AC20
723	Area Health Education Centers (AHEC)	0905-AC22
724	Nursing Student Loan (NSL) Program: Define Exceptional Financial Need	0905-AC29

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
725	National Health Service Corps (NHSC); Private Practice Option (PPO) Loans to Individuals	0905-AA57
726	Health Education Assistance Loan (HEAL) Program: Program Management	0905-AB46
727	Reasonable Volume of Uncompensated Services to Persons Unable to Pay - Hill-Burton (Public Facilities)	0905-AB75
728	Health Professions Student Loan (HPSL) Program-Improved Program Management Regulations	0905-AB93
729	Nursing Student Loan (NSL) Program - Improved Program Management Regulations	0905-AB95
730	Charging Fees for Hill-Burton Direct and Guaranteed Loan Modification Requests	0905-AC05
731	Grants for Various Health Professions: Interdisciplinary Training and Curriculum Development	0905-AC08
732	Health Education Assistance Loan (HEAL) Program: Provisions of the Law (Pub. L. 99-129)	0905-AC09
733	Capitation Grants for Schools of Public Health	0905-AC14
734	Hansen's Disease Duty by Civil Service Officers and Employees of The Public Health Service	0905-AC26

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
735	Misconduct in Science	0905-AB91
736	Changes in NIH Program Regulations Necessitated by the Provisions of the Health Research Extension Act of 1985 (P.L. 99-158) and the Superfund Amendments and Reauth. Act of 1986 (P.L. 99-499)	0905-AC02
737	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27

HHS

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
738	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

Health Care Financing Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
739	Revisions to Medicare Appeals Rights	0938-AC81

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
740	Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
741	Survey and Certification Procedures	0938-AA38
742	Medicaid Eligibility	0938-AA58
743	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
744	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
745	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
746	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
747	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
748	Physician Certification and Plan of Care Requirements and Inspection of Care Reviews	0938-AB55
749	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
750	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment, Entitlement, and Premiums	0938-AB60
751	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
752	Medicare/Medicaid Revaluation of Assets	0938-AB64
753	OMB Review of Information Collection and Recordkeeping Requirements for Home Health Agencies, Independent Laboratories, and Providers of Outpatient, Physical Therapy and/or (cont)	0938-AB68
754	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
755	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
756	Medicare Recovery Against Third Parties and Medicare Secondary Payors	0938-AC05
757	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
758	Assignment and Reassignment of Provider-Based Home Health Agencies and Hospices to Designated Regional Intermediaries	0938-AC20
759	Review of Information Collection and Recordkeeping Requirements for Suppliers of End-Stage Renal Disease Services	0938-AC26
760	Payment for Direct Medical Education	0938-AC27
761	Fire Safety Standards for Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities and Ambulatory Surgical Centers	0938-AC28
762	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
763	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1988 Rates	0938-AC39
764	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
765	Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
766	Employers Contribution to Health Maintenance Organizations Option	0938-AC48
767	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices	0938-AC49
768	Hospice/Case Management	0938-AC52
769	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
770	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
771	Responsibilities of Hospitals in Emergency Cases and Requirements For Participation in CHAMPUS and CHAMPVA Programs	0938-AC58
772	Payment for Kidneys Sent to Foreign Countries or Transplanted in Non-Medicare Beneficiaries	0938-AC59
773	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
774	Reasonable Charge Payment Limits for Enteral Products and Supplies	0938-AC67
775	Alternate Sanctions for ESRD Facilities	0938-AC68
776	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82

HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
777	Denial of Medicare Payments for Poor Quality Care	0938-AC84
778	End Stage Renal Disease Program: Responsibilities of Network Organizations	0938-AC86
779	End Stage Renal Disease Program: Revised Network Area Designations	0938-AC87
780	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
781	Recognition of College of American Pathologists Laboratory Accreditation Program	0938-AC89
782	PRO Preprocedure Review of Certain Surgical Procedures	0938-AC90
783	Part B Premium for 12-Month Period Begining 01/01/88	0938-AC92
784	Inpatient Hospital Deductible Beginning 01/01/88	0938-AC94
785	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
786	Changes to the Return on Equity Capital Provisions for Outpatient Hospital Services	0938-AC98
787	Changes Concerning Determinations of Allowable Interest Expense and suspension of Payments	0938-AC99
788	Hospital Outpatient Ambulatory Surgical Rates	0938-AD00
789	Changes Concerning the Accrual Basis of Accounting	0938-AD01
790	Optional Payment System for Low Volume Skilled Nursing Facilities	0938-AD02
791	Changes to the DRG Classification System	0938-AD03
792	Payments for Ambulatory Surgical Services and List of Covered Surgical Services	0938-AD04
793	Capital Payments Under the Inpatient Hospital Prospective Payment System	0938-AD06
794	Criteria and Procedures for Medical Services Coverage Decisions	0938-AD07
795	Medicare Coverage of Immunosuppressive Drugs	0938-AD09
796	Standards for the Reuse of Dialysis Filters and Other Dialysis Supplies	0938-AD10
797	Revision to Conditions of Participation for Hospitals and End Stage Renal Disease Facilities	0938-AD11
798	Conditions of Participation for Long Term Care Facilities	0938-AD12
799	Recognition of Joint Commission for Accreditation of Hospital's Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
800	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
801	Eligibility of Aliens Granted Amnesty Under the Immigration Reform and Control Act	0938-AD15
802	OBRA Provisions; Medicaid Eligibility Groups and Coverage	0938-AD16
803	Medicaid Eligibility Groups and Extended Coverage of Services	0938-AD17
804	Transfer of Assets	0938-AD18
805	Standards for Organ Procurement Agencies (OPAs)	0938-AD20

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
806	Home Health Agencies: Financial Security Requirements	0938-AA13
807	Payments to Institutions	0938-AB00
808	Benefit Period Determinations, Drug Regimen Reviews and Other Technical Changes	0938-AB03
809	Relations with Other Agencies, Miscellaneous Medicaid Definitions and Third Party Liability Quality Control	0938-AB21
810	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
811	Revisions to Medicaid Payment for Hospital and Long-Term Care Facility Services	0938-AB40
812	FFP for LTC Facilities after Termination of Provider Agreement	0938-AB42
813	Revisions in Reporting and Recordkeeping Requirements	0938-AB46
814	Indirect Part B Payment Procedure	0938-AB59
815	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
816	Changes to the Return on Equity Capital Provisions and the Exception from Cost Limits for Newly Established Home Health Agencies	0938-AB70
817	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
818	Payment Adjustments for Sole Community Hospitals	0938-AB72
819	Conditions for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
820	Revision of Medicaid Drug Reimbursement Requirements	0938-AB97
821	Medicaid Program; Coverage of Qualified Pregnant Women and Children and Newborn Children	0938-AC02
822	Reasonable Charge Limitations	0938-AC08
823	Lowest Charge Levels (LCL) for Medical Services, Supplies and Equipment	0938-AC16
824	List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC21
825	Enrollment Provisions Concerning Health Maintenance Organizations and Competitive Medical Plans	0938-AC44
826	Application Fees for Health Maintenance Organizations (HMOs)	0938-AC46
827	Correction and Reduction Plans for Intermediate Care Facilities for the Mentally Retarded	0938-AC51
828	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs (Effective 10/01/87)	0938-AC54

HHS

Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
829	Medicare Program: Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or after July 1, 1987	0938-AC56
830	Medicare Notice of General Statement of Policy - Procedures for Determining Whether Providers, Practitioners or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AC61
831	Appeals from Determinations that Affect Participation in Medicare	0938-AC65
832	Refunding of Federal Share of Overpayments Made to Medicaid Providers	0938-AC83
833	Entities Performing Quality of Care Review of Services Provided by Risk-Basis Health Maintenance Organizations and Competitive Medical Plans	0938-AC85
834	Medicare Economic Index for Reasonable Charges (Effective 01/01/88)	0938-AC91
835	Part A Premium for Uninsured Aged for 12-Month Period Beginning 01/01/88	0938-AC93
836	Periodic Interim Payments for Hospitals	0938-AC96
837	Payments for Large Rural Hospitals That Serve a Disproportionate Share of Low-Income Patients	0938-AD05
838	Supplementary Medical Insurance Premiums	0938-AD19

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
839	Adjustment of Federal Share for Uncashed or for Cancelled (Voided) Medicaid Checks	0938-AB35
840	Hospice "Core" Services; Nursing	0938-AB58
841	Medicaid: Identification of Third Party Liability Resources for Medical Assistance	0938-AB88
842	Payment for the Cost of Malpractice Insurance	0938-AC00
843	Determination of Reasonable Charges for Physician and Other Medical Services	0938-AC04
844	Miscellaneous Conforming Amendments	0938-AC06
845	Processing of Claims by Electronic Means as a Condition of Qualification for the Periodic Interim Payment Method of Reimbursement	0938-AC09
846	Changes to The Criteria for Determining Reasonable Charges	0938-AC14
847	Second Surgical Opinion Requirement for Medicaid Recipients	0938-AC19
848	Medicare Economic Index for Reasonable Charges (Effective 01/01/87)	0938-AC29
849	Cost Limits for Hospital Medicare Part B Clinical Laboratory Services	0938-AC30
850	Part A Premium for Uninsured Aged For 12-Month Period Beginning 01/01/87	0938-AC32
851	Part B Premium for 12-Month Period Beginning 01/01/87	0938-AC34
852	Medicare Economic Index	0938-AC35
853	Reasonable Charge Payment Limits for Cataract Extractions with Intraocular Lens Implants	0938-AC41
854	Reasonable Charge Payment Limits for Anesthesia Services	0938-AC42
855	Redesignation of Reasonable Cost Regulations	0938-AC43
856	Medicare and Medicaid: Information on the Consolidated Omnibus Budget Reconciliation Act of 1985	0938-AC47
857	Payment to Hospices	0938-AC50
858	Criteria for Medicare Coverage of Heart Transplants	0938-AC53
859	Preadmission Review for Non-Emergency Admissions to Hospitals Participating in the Medicaid Program	0938-AC60
860	Removal of Obsolete Regulations; Professional Standards Review Organizations	0938-AC62
861	Program Integrity Amendments	0938-AC63
862	Medicaid Management Information System: Waiver of Reduction of Federal Financial Participation	0938-AC66

Family Support Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
863	Scope of Payments	0970-AA00
864	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11

HHS

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
865	Cash Assistance, Medical Assistance, and State Administrative Costs for Assistance Provided to Refugees	0970-AA01
866	Child Support Enforcement Program; Quarterly Reporting Requirements	0970-AA02
867	Aid to Families with Dependent Children; Treatment of Utility Payments By Applicant or Recipients Living in Certain Federally Assistance Housing	0970-AA05
868	Regulations to Enhance Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
869	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
870	Retroactive Modification of Child Support Arrears	0970-AA03
871	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
872	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
873	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
874	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Support Services	0970-AA10

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

538. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Legal Deadline: None.

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA11

539. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None.

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: In FY 1987 OMB will revise Circulars A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234).

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200

Independence Ave. SW, Washington, DC 20201, **202 245-8870**

RIN: 0991-AA12

540. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Legal Deadline: None.

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: **Frank E.G. Weil**, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5411, Washington, DC 20201, **202 472-4256**

RIN: 0991-AA17

541. ADMINISTRATION OF GRANTS - IMPLEMENTATION OF OMB CIRCULAR A-102

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular No. A-102 "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." The current HHS regulation codified at 45 CFR Part 74 was written by HHS to implement both Circular No. A-102 and a companion Circular A-110 which governs grants and cooperative agreements to recipients other than governments. Revised Circular A-102 will require us to adopt essentially verbatim a common regulation drafted by OMB and affecting governmental grantees only.

Timetable:

Action	Date	FR Cite
Notice of Proposed Revision of Circular A-102 published by OMB	06/18/84	49 FR 24958
NPRM	00/00/00	

Small Entity: No

Additional Information: Next Action Awaits Issuance of Circular A-102

Government Levels Affected: Local, State

Agency Contact: **Joel B. Feinglass**, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513-D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-7565**

RIN: 0991-AA27

542. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None.

Abstract: This NPRM will propose new regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval by the Department.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	
NPRM Comment Period End	05/30/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: **Ron Lentz**, Division of State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-7354**

RIN: 0991-AA34

543. CIVIL MONEY PENALTIES FOR ASSISTANTS AT CATARACT SURGERY

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 9307

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None.

Abstract: These proposed regulations would provide for the imposition of civil money penalty assessments for physicians billing Medicare or program beneficiaries for services of an assistant surgeon for cataract or other types of operations where prior approval is not granted.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	

Small Entity: No

Agency Contact: **Clarke Bowie**, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-1827**

RIN: 0991-AA37

544. ● EXCLUSIONS AND TERMINATIONS ON THE BASIS OF PPS FRAUD AND ABUSE

Legal Authority: 42 USC 1395cc; 42 USC 1395ww

CFR Citation: 42 CFR 1001

Legal Deadline: None.

Abstract: This rule would extend sanction actions that exist under other provider exclusion authorities by the OIG to the Prospective Payment System.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: **Bill Libercci**, Deputy Director, GCAS Staff, Office of Investigations, Department of Health

HHS—OS

Proposed Rule Stage

and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-5035**

RIN: 0991-AA39

545. ● OIG CIVIL MONEY PENALTY AND SANCTION PROVISIONS RESULTING FROM OBRA OF 1986

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9313; PL 99-501, Sec 9317; PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9338; PL 99-501, Sec 9343; PL 99-501, Sec 9434

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None.

Abstract: This rule addresses various penalty provisions contained in the Omnibus Budget Reconciliation Act of 1986 regarding civil money penalties and program sanctions for HMOs and competitive medical plans, the use of physician incentive plans, the unbundling of non-physician outpatient department services, and the billing and payment of services by physicians, physician assistants and certified registered nurse anesthetists under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Not Applicable

Agency Contact: **Clarke Bowie**, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-1827**

RIN: 0991-AA40

546. ● PROGRAM FRAUD CIVIL REMEDIES

Significance: Agency Priority

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 42 CFR 1005, New

Legal Deadline: Statutory, April 21, 1987. While final rule is due on this date, a notice of proposed rulemaking is being promulgated prior to the issuance of final regulations.

Abstract: This rule would establish a $5,000 civil money penalty and an assessment of double damages against any person who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: **D. McCarty Thornton**, Supervisory Trial Attorney, Office of the General Counsel/IG Division, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, DC 20201, **202 245-6306**

RIN: 0991-AA41

547. ● TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Reconciliation Act of 1986

CFR Citation: 42 CFR 453.952; 45 CFR 205.56

Legal Deadline: None.

Abstract: Meet Congressional intent to allow State flexibility of targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulation which required 100% verification. States will be allowed to apply tolerances in selecting the most productive data to verify and act upon.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	
NPRM Comment Period End	05/15/87	
Final Action	10/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: These regulations are being issued in conjunction with regulations being issued by the Department of Agriculture to provide consistency of implementation with the Federally assisted benefit program at that department.

Government Levels Affected: State, Federal

Agency Contact: **Sheldon Shalit**, Director, Division of Payment Integrity, Department of Health and Human Services, Office of the Secretary, OSSSR, ASMB, 530G HHH, 200 Independence Ave., SW, Washington, DC 20201, **202 245-0384**

RIN: 0991-AA42

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of the Secretary (OS)

548. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

CFR Citation: 45 CFR 92

Legal Deadline: None.

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Final Action	06/30/87	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

HHS—OS

Final Rule Stage

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, OCR, Rm. 5032, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 245-6671

RIN: 0991-AA02

549. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Legal Deadline: None.

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 13250
NPRM Comment Period End	06/00/86	51 FR 13250
Final Action	00/00/00	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 410B, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

550. REVISION TO OIG'S SANCTION AUTHORITIES

Significance: Agency Priority

Legal Authority: PL 98-369, Sec 2333; 42 USC 1395yd; 42 USC 1320a7; 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396b; PL 99-501, Sec 9317

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 455; 42 CFR 474; 42 CFR 489

Legal Deadline: None.

Abstract: This regulation incorporates Section 2333 of P.L. 98-369 which provides authority to exclude entities that employ practitioners convicted of Medicare or Medicaid related offenses who are serving in key management positions, or where individuals convicted of a program-related crime have a five percent or more ownership interest. This rule also makes substantive revisions and clarifications regarding certain legal issues in the existing OIG sanction regulations. In addition, this rule provides technical improvements in the civil money penalty and exclusion provisions resulting from P.L. 99-501.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24857
NPRM Comment Period End	08/25/86	
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: James Patton, Director, Health Care Admin. Sanctions Div., Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-3957

RIN: 0991-AA21

551. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None.

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
Final Action	04/00/87	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, 202 472-4256

RIN: 0991-AA22

552. BLOCK GRANT PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 9901; 42 USC 300w; 42 USC 8621; 42 USC 300x

CFR Citation: 45 CFR 96

Legal Deadline: None.

Abstract: In a prior session of Congress, four of the Department's block grants were reauthorized and certain requirements imposed on the States and other recipients were changed. The block grants include those for Alcohol and Drug Abuse and Mental Health Services; Preventive Health and Health Services; Low-Income Energy Assistance and Community Services. In addition, Congress enacted the Single Audit Act of 1984 which substantially changes the Federal audit requirements imposed upon State and local governments and modifies Federal agency responsibility for oversight of those audits. These legislative changes necessitate changes in the Department's block grant regulation issued July 6, 1982. Alternative measures for addressing the problem are not being considered. None of the proposed legislative changes will involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	45 FR 96
NPRM Comment Period End	09/02/86	
Final Action	03/01/87	

Action	Date	FR Cite
Final Action Effective	03/01/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Deputy Director, Program Systems, Department of Health and Human Services, Office of the Secretary, Room 447-D, Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA25

553. ADMINISTRATION OF GRANTS-IMPLEMENTATION OF OMB CIRCULAR A-88

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None.

Abstract: This action will implement revised OMB Circular A-88 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: It is expected that OMB will publish a draft of its Circular in the Federal Register and obtain public comments. The specific form and nature of our action is expected to be mandated by OMB.

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA29

554. ADMINISTRATION OF GRANTS-SINGLE AUDIT ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505; PL 98-502, Sec 7505 Single Audit Act of 1984

CFR Citation: 45 CFR 74.62(a), (Revised); 45 CFR 74, Appendix I; 45 CFR 74, Appendix J

Legal Deadline: None.

Abstract: This action implements the Single Audit Act of 1984 and OMB Circular A-128 by requiring recipients that are governments to comply with Circular A-129. That Circular provides governmentwide standards for implementing the Act. The Act, Circular and these amendments replace Attachment P to Circular A-102. Attachment P contained the previous Federal policy on non-Federal audits of governmental recipients of Federal grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/06/85	50 FR 31715
Final Action	00/00/00	

Small Entity: No

Additional Information: Next Action Awaits OMB Issuance of Circular A-102

Government Levels Affected: Local, State

Agency Contact: Joel B. Feinglass, Director, Office of Assistance & Cost Policy, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA30

555. REIMBURSEMENT OF INDIRECT COSTS UNDER PROJECT GRANTS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.105(a)(1)

Legal Deadline: None.

Abstract: The HHS Staff Manual on Grants Administration would be revised to implement a recommendation by the Office of Science and Technology Policy that all Federal agencies adopt the National Science Foundation's practices for the award and payment of indirect costs. Grants would no longer be subject to upward adjustment based on changing indirect cost rates or base amounts. In addition, rebudgeting of funds from direct to indirect costs would be subject to the prior approval of the awarding agency. These changes would reduce both government and grantee administrative effort and could result in annual savings up to $7 million of current obligational authority and $28 million of obligations against lapsed appropriations. Finally, peer review panels will be provided with the indirect as well as the direct cost portion of proposed grant budgets. 45 CFR 74.105 (a) (1) would be revised to include the prior approval requirement stated above.

Timetable:

Action	Date	FR Cite
NPRM	08/13/86	51 FR 28983
Notice for Public Comment	08/13/86	51 FR 28983
NPRM Comment Period End	10/14/86	
Public Comment Period End	10/14/86	
Issue Revised Departmental Policy	03/00/87	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Joel B. Feinglass, Director, Office of Assistance and Cost Policy, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, SW, Room 513D Hubert H. Humphrey Building, Washington, DC 20201, 202 245-7565

RIN: 0991-AA33

556. WITHHOLDING MEDICAID PAYMENTS TO PROVIDERS UNDER CRIMINAL INVESTIGATION

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 455

Legal Deadline: None.

Abstract: This rule specifically encourages State Medicaid agencies to withhold program payments to providers without first granting administrative review where (1) there is an ongoing criminal investigation against the provider, or (2) the State agency has reliable evidence of fraudulent activity by the provider.

Timetable:

Action	Date	FR Cite
NPRM	12/10/86	51 FR 44490
NPRM Comment Period End	02/09/87	

HHS—OS

Final Rule Stage

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: Clarke Bowie, Special Projects Officer, Office of Investigations, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-1827

RIN: 0991-AA36

557. ● BLOCK GRANT PROGRAMS

Significance: Agency Priority

Legal Authority: PL 99-425

CFR Citation: 45 CFR 96

Legal Deadline: Statutory, November 29, 1986.

Abstract: The regulation provides procedures by which the Secretary may exempt states from the statutory time limits that they must meet in responding to requests for crisis assistance under the low income house energy assistance program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/86	45 FR 96
Final Action	05/30/87	
Final Action Effective	05/30/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Intergovernmental Policy, Department of Health and Human Services, Office of the Secretary, 447D, Humphrey Building, 200 Independence Ave., SW, Washington, DC 20201, 202 245-7316

RIN: 0991-AA38

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

558. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES – CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

CFR Citation: 45 CFR 95.600; 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641; 45 CFR 95.624, (New)

Completed:

Reason	Date	FR Cite
Final Action	12/18/86	51 FR 45321
Final Action Effective	01/20/87	51 FR 45321

Small Entity: No

Agency Contact: Ron Lentz 202 245-7354

RIN: 0991-AA14

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Proposed Rule Stage

559. ● IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None.

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS North Building, 330 Independence Avenue, SW, Washington, DC 20201, 202 475-0150

RIN: 0990-AA02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Completed Actions

560. CLAIMS COLLECTION

CFR Citation: 45 CFR 30, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	01/05/87	52 FR 260

Small Entity: No

Agency Contact: Sarah Hertz 202 475-0155

RIN: 0990-AA00

561. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

CFR Citation: 45 CFR 201.66, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	01/05/87	52 FR 273

Small Entity: No

Agency Contact: Sarah Hertz 202 475-0155

RIN: 0990-AA01

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Prerule Stage

562. HEAD START PROGRAM-PRERULEMAKING ACTION

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1301; 45 CFR 1302; 45 CFR 1303; 45 CFR 1304; 45 CFR 1305

Legal Deadline: None.

Abstract: The existing Head Start program regulations will be examined to determine whether rulemaking procedures should be initiated to update, clarify or remove unnecessary provisions from the Code of Federal Regulations. All Head Start program issuances will be reviewed and will be updated, clarified, consolidated, rescinded or included in revised proposed regulations as necessary.

Timetable:

Action	Date	FR Cite
Completion of Pre-Rulemaking Deliberations	12/00/87	

Small Entity: No

Agency Contact: Mr. Clennie H. Murphy, Jr., Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, Head Start Bureau, OHDS P.O. Box 1182, Washington, DC 20013, 202 755-7782

RIN: 0980-AA15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Proposed Rule Stage

563. FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES -- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 670 et seq; Federal Payment for Foster Care and Adoption Assistance; 42 USC 620 et seq Child Welfare Services; 42 USC 1320 Rules and Regulations

CFR Citation: 45 CFR 1356; 45 CFR 1357

Legal Deadline: None.

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Jane N. Burnley, Ph.D., Associate Commissioner, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, 202 755-7600

RIN: 0980-AA08

564. HEAD START PROGRAM--FINAL RULE

Significance: Regulatory Program

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1301

Legal Deadline: None.

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The proposed rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13253
NPRM Comment Period End	06/03/85	50 FR 13253
NPRM	08/00/87	

Small Entity: No

Agency Contact: Ms. Terry A. Lewis, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for Children, Youth and

Families, HDS/HHS, PO Box 1182, Washington, DC 20013, **202 755-8208**

RIN: 0980-AA10

565. RUNAWAY AND HOMELESS YOUTH PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, as amended

CFR Citation: 45 CFR 1351

Legal Deadline: None.

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paget W. Hinch, Associate Commissioner, ACYF/HDS, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, **202 472-4426**

RIN: 0980-AA11

566. HEAD START PROGRAM - CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 42 CFR 1302

Legal Deadline: None.

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA17

567. HEAD START PROGRAM - PROGRAM DESIGN AND PROGRAM OPTIONS

Significance: Agency Priority

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None.

Abstract: The NPRM will propose changes in existing regulations related to program design including class size, hours of operation, and program options such as center-based and home-based Head Start services. The NPRM will also propose, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA18

568. HEAD START PROGRAM - PERFORMANCE STANDARDS FOR INFANTS AND TODDLERS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1307

Legal Deadline: None.

Abstract: The NPRM will propose to establish a new part 1307 setting forth proposed performance standards that must be used in providing Head Start services to infants and toddlers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Pamela Coughlin, Director, Program Support Division, Head Start Administration, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-7782**

RIN: 0980-AA19

569. HEAD START PROGRAM - REVISION OF THE APPEALS PROCESS

Legal Authority: 42 USC 9831 et seq Head Start Act

CFR Citation: 45 CFR 1303

Legal Deadline: None.

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Doug Klafehn, Chief, Program Management and Operations Branch, Head Start Bureau, ACYF/OHDS, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, **202 755-0590**

RIN: 0980-AA20

570. ● PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN - NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 9839

CFR Citation: 45 CFR 1308

Legal Deadline: None.

Abstract: The NPRM will propose to establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Agency Contact: Jane DeWeerd, Child Development Specialist, Department of Health and Human Services, Office of Human Development Services, Administration for Children, Youth and Families, PO Box 1182, Washington, DC 20013, **202 755-7944**

RIN: 0980-AA21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Final Rule Stage

571. DEVELOPMENTAL DISABILITIES PROGRAM--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: Statutory, April 19, 1985.

Abstract: This rule proposes to amend the regulations that implement the Developmental Disabilities Assistance and Bill of Rights Act of 1984 (Pub. L. 98-527). The regulations include changes in reporting and paperwork requirements. They also propose to delete the regulatory requirements in 45 CFR Part 1387 regarding Special Projects of National Significance and propose new program criteria for the University Affiliated Facilities program.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25904
NPRM Comment Period End	09/15/86	51 FR 25904
Final Action	12/00/87	

Small Entity: No

Agency Contact: James Colarusso, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental Disabilities, OHDS/HHS, Rm 336-E HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, 202 245-2904

RIN: 0980-AA12

572. ● CONSOLIDATION OF GRANTS TO THE INSULAR AREAS -- FINAL RULE WITH COMMENT PERIOD

Legal Authority: 48 USC 1469a

CFR Citation: 45 CFR 97

Legal Deadline: None.

Abstract: This is a final rule to amend the list of Department of Health and Human Services formula and block grant programs which may be consolidated by the insular areas. The rule deletes the Primary Care Block Grant as it has been repealed by Congress. It adds four new HDS formula grant programs recently enacted: (1) Dependent Care Planning and Development State Grants; (2) the Family Violence Prevention and Services Act; (3) the Children's Justice Act; and (4) the Child Development Associate Scholarship Assistance Act.

Timetable:

Action	Date	FR Cite
Final Action	03/25/87	52 FR 9494

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Howard A. Foard, Jr., Office of the Deputy Under Secretary, Department of Health and Human Services, Office of Human Development Services, Hubert H. Humphrey Bldg., Room 632-F, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-6036

RIN: 0980-AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

573. CHILD ABUSE & NEGLECT PREVENTION & TREATMENT PROGRAM--FINAL RULES

Significance: Regulatory Program

CFR Citation: 45 CFR 1340

Completed:

Reason	Date	FR Cite
Final Action	02/06/87	52 FR 3990
Final Action Effective	03/09/87	

Small Entity: No

Agency Contact: Jay Olson 202 245-2859

RIN: 0980-AA14

574. HEAD START PROGRAM - MULTIPLE YEARS OF SERVICE

CFR Citation: 45 CFR 1305

Completed:

Reason	Date	FR Cite
Withdrawn	10/00/86	

Small Entity: No

Agency Contact: Doug Klafehn 202 755-0590

RIN: 0980-AA16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Prerule Stage

575. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SIMPLIFIED FEE PROCESS FOR REPRESENTATIVES OF CLAIMANTS

Significance: Regulatory Program

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 416, Subpart O

Legal Deadline: None.

Abstract: The proposed regulation will revise the method for setting fees for representation. The current procedure has been criticized as too subjective and as resulting in excessively high fees. Also, Social Security Rulings on escrow accounts would be included. The regulations will result in a negligible administrative savings to SSA. There would also be a reduction in the amount of fees paid by beneficiaries.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA64

576. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.159) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AA99

577. DISCLOSURE OF PERSONAL INFORMATION TO LAW ENFORCEMENT AGENCIES AND COURTS (PRERULEMAKING ACTIVITY)

Significance: Regulatory Program

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 1306; 26 USC 6103

CFR Citation: 20 CFR 401.315

Legal Deadline: None.

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a social security program or other governmental health or income maintenance program. These rules severely restrict permissible disclosures. In view of the public interest in law enforcement SSA is considering a change in policy that will expand the circumstances in which information can be disclosed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB66

578. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUDICATION OF SOCIAL SECURITY DISABILITY CLAIMS (PRE-RULEMAKING ACTIVITIES)

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None.

Abstract: The Disability Program is a dynamic program that is subject to ongoing review and change. It is essential that certain actions be taken that ensure the rules under which the program operates (a) reflect legislative changes, (b) reflect technological changes, and (c) are complete. In addition, the public must have an opportunity to comment on these rules. More specifically our goals are as follows: (A) To implement PL 98-460, the Disability Benefits Reform Act of 1984, in a way that is consistent with legislative intent and administrative effectiveness. (B) To develop disability guidelines, procedures, and policies which can be consistently interpreted and applied throughout all levels of the disability process and are in compliance with P.L. 98-460, section 10, which requires uniform standards for disability adjudication to be published as regulations. (C) To assure that disability program policies and adjudicative criteria are consistent with the latest advances in medicine and vocation assessment and realistic in relationship to measurements available for assessing disability.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This entry does not describe one regulation but is descriptive of a number of regulations which may result from our review of disability rulings as required by section 10 of PL 98-460.

Agency Contact: Richard Fussell, Department of Health and Human Services, Social Security Administration, 3-A-11 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6448**

RIN: 0960-AB73

579. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPOINTING ALJ'S TO HEAR AND DECIDE CASES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 30 USC 923; 30 USC 936

CFR Citation: 20 CFR 404.929; 20 CFR 416.1429; 20 CFR 410.630; 20 CFR 410.634

Legal Deadline: None.

Abstract: The current regulations on assigning ALJ's to hear and decide cases do not discuss (1) the assignment of ALJ's in rotation to hear and decide cases; or (2) the exceptions to assigning ALJ's in rotation. In addition, the current regulations provide that once an ALJ has been assigned to conduct a hearing, the case may be reassigned to another ALJ "if circumstances warrant." The regulations do not discuss the circumstances which would warrant (1) assigning another ALJ to conduct the hearing; or (2) assigning another ALJ to decide a case after the original ALJ has

conducted the hearing. The regulatory changes would clarify these matters by explaining the rotation system of assignment and the exceptions to assigning ALJ's to cases in rotation, and by explaining the circumstances which warrant reassignment of a case to a different ALJ from the one to whom the case was initially assigned.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AB97

580. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROCEEDS FROM HOME EQUITY CONVERSION (HEC) PLANS AS INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a; 42 USC 1383

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1120; 20 CFR 416.1121

Legal Deadline: None.

Abstract: Under current policy, payments received by a person as a result of a Home Equity Conversion (HEC) (e.g., reverse mortgage, sale lease back, etc.) are not considered income. The change in regulations would result in these payments being considered income. This change is being made in the realization that HEC's generate cash available for food, clothing, or shelter and meet the definition of income in 20 CFR 416.1102. Program costs and savings are considered insignificant.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AC00

581. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL EVALUATION CRITERIA FOR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1

Legal Deadline: None.

Abstract: Section 10.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes multiple body system impairments which are severe enough to prevent a person from doing any gainful activity. We are proposing to add the criteria for evaluation of AIDS to this section. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AC06

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

582. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Legal Deadline: None.

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee who lives in the Aid to Families with Dependent Children (AFDC) Assistance Home, on behalf of a child who is a member of the AFDC Unit are income available to the AFDC Unit and may be used for other members of the Unit. If the representative payee does not live in the AFDC Home title II benefits are considered income for AFDC purposes and may be used for the unit only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA90

583. PUBLIC ASSISTANCE PROGRAMS, TREATMENT OF REPLACEMENT CHECKS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.70

Legal Deadline: None.

Abstract: This proposed regulation will require States to report on their quarterly statement of expenditures the Federal share of previously claimed assistance checks which are determined to be: (1) replacements of checks cashed by eligible recipients, or (2) original checks cashed by persons other than the authorized payee. This rule will also clarify procedures for claiming Federal Financial Participation for duplicate checks.

Timetable:

Action	Date	FR Cite
NPRM	06/30/86	
NPRM Comment Period End	08/30/87	

Small Entity: No

Agency Contact: Arleen Gahan, Acting Director, OIC, Family Support Administration, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA96

584. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB00

585. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Legal Deadline: None.

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1599 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB01

586. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

Legal Authority: 30 USC 801

CFR Citation: 20 CFR 410

Legal Deadline: None.

Abstract: These proposed regulations correct several errors in our regulations relating to the Black Lung Benefits Program, update the formula for determining the monthly black lung benefit amount, and change the heading of 20 CFR 410 to "Federal Mine Safety and Health Act of 1977."

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3409**

RIN: 0960-AB05

587. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; BILLS PAID FOR YOU

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(g); 20 CFR 416.1103(a) to (b)

Legal Deadline: None.

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income. Regulations need clarification that "someone else" does not mean another federally funded needs based program. Also, cash provided by a governmental medical or social services agency is not income if it is either repayment for, or designated for the future payment of, a program-approved service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB09

588. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 465; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: Statutory, April 7, 1985.

Abstract: The proposed regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The proposed regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history in most cases. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB22

589. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME--FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None.

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-3409**

RIN: 0960-AB29

590. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 401

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Legal Deadline: None.

Abstract: These proposed rules would change existing rules when a determination or decision affecting someone's rights may be reopened and revised. These changes would permit reopening more than 4 years after the date of the notice of the initial determination so that we can correct clerical errors or errors on the face of the evidence considered in making the determination or decision. We are proposing to make these changes so that we can correct erroneous determinations or decisions discovered more than 4 years after the date of the notice of the initial determination. This should result in a small case saving of $78.6 million in benefit payments per year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AB34

591. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a (New); 20 CFR 404.902

Legal Deadline: None.

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AB38

592. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Legal Deadline: None.

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. However, recovery of an overpayment by withholding from SSI payments due will be suspended when a recipient is subject to the $25 payment limitation (living arrangement D). The 10 percent limit will not apply in situations involving installment agreements, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud or willful misrepresentation. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after factual evaluation. Such cases will also be considered initial determinations for (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: which the recipient has appeal rights. Estimated costs are FY 1986--$2 million, FY 1987--$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB40

593. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Significance: Regulatory Program

Legal Authority: 42 USC 205; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Legal Deadline: None.

Abstract: These proposed regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: **William Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AB41

594. OASDI & SSI PROGRAMS; OVERPAYMENTS, UNDERPAYMENTS, WAIVER OF RECOVERY OF OVERPAYMENTS, AND LIABILITY OF A CERTIFYING OFFICER

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a (New)

Legal Deadline: None.

Abstract: These proposed rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes liability for recovery of a Social Security benefit overpayment in certain cases when the beneficiary is deceased. Also, we propose to amend the definition of Social Security benefit overpayment and underpayment to provide for direct deposit of benefits and for garnished amounts that are paid under section 459(a) of the Social Security Act. We specify who is liable for an overpayment under other conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: **Duane Heaton**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB78

595. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None.

Abstract: This proposed regulation provides that assets held in any revocable or irrevocable trust or any other similar legal device including but not limited to gifts made in accordance with the Uniform Gifts to Minors Act, if available for the beneficiary's support and maintenance, will be a countable resource. It would include as a resource trust assets that are disbursed to the beneficiary either at the discretion of the trustees or at the direction of the trustor because such disbursement would adversely affect the beneficiary's eligibility for Supplemental Security Income benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	05/00/88	

Small Entity: No

Agency Contact: **Henry D. Lerner**, Legal Assistant, Department of Health and Human Services, Social Security

Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AB79

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596. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING FIRST MONTH OF ENTITLEMENT BASED ON ONE-HALF SUPPORT

Legal Authority: 42 USC 402(d)(9)(B)

CFR Citation: 20 CFR 404.366(b)

Legal Deadline: None.

Abstract: Under present regulations, an insured person can be found to be providing one-half support to a claimant if he or she makes regular contributions for support and the amount exceeds one-half of the claimant's ordinary living costs. The proposed regulations change would more accurately reflect that the claimant's total income for support purposes is always considered in the support determination. Any income (from sources other than the insured person) is considered to be available for support whether or not that income is actually used for ordinary living costs. The change would more specifically address the situation where a claimant elects to invest or otherwise segregate his or her own income and claim one-half support from the insured person. This situation will most frequently arise in cases involving Government pension offset. There would be no significant costs/ savings since the policy is already being interpreted in this manner.

Timetable:

Action	Date	FR Cite
NPRM	01/20/87	52 FR 02116
NPRM Comment Period End	03/23/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB83

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597. ● ORGANIZATION AND PROCEDURES; AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC--SOCIAL SECURITY RULINGS--ACQUIESCENCE SERIES

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422

Legal Deadline: None.

Abstract: These interim regulations describe a new type of Social Security Ruling which is available to the public and which is applied at certain levels of the Social Security Administration's adjudicative process. These regulations will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 02557
NPRM Comment Period End	03/24/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB85

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598. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: 25 USC 1407; 25 USC 1172; 25 USC 1176; 43 USC 1601ff

CFR Citation: 20 CFR 416, Subpart K, Appendix; 20 CFR 416.1236; 20 CFR 1234

Legal Deadline: None.

Abstract: Proposed changes will update the regulations to reflect the provisions of Pub.L. 97-458 and Pub.L 98-64, concerning exclusions from income and resources provided for Native Americans and clarify SSI treatment of funds and land distributed to Alaskan natives under Pub.L. 92-203, as amended. The regulatory change will result in Federal program savings of less than $1 million annually and administrative costs that would not be significant.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB86

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599. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENTS TO OTHER BENEFITS

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 1302; 42 USC 402

CFR Citation: 20 CFR 404.407, (Revision); 20 CFR 404.612

Legal Deadline: None.

Abstract: Section 202(k)(4) of the Social Security Act discusses simultaneous entitlement to retirement and disability insurance benefits (RIB/DIB) and provides that SSA will pay the higher benefit unless the claimant elects to be paid the lower. Section 223(a)(1) explains that an application for DIB may be filed by someone other than the number holder (NH) within 3 months after the month of the NH's death. Strict interpretation had been made of section 202(k)(4) so that no one other than the NH (or proper applicant on behalf of a living NH) could make the election described in section 202(k)(4). In section 404.612(d) of the CFR, the explanation of section 223(a)(1) is given. We have recently published new operating policy which explains that the same person who files an application pursuant to CFR section 404.612(d) may make the election described in CFR 404.407(c).

We are proposing to change CFR 404.407(c) to clarify that the person described in section 404.612(d) may make the election discussed in section 202(k)(4).

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: We foresee minimal costs from this change since the number of potentially affected beneficiaries is small and the period of

time during which they will receive the higher family maximum amount (based on the RIB) will only be for the months during which the deceased NH is simultaneously entitled to DIB. Also, this cost will be offset by administrative savings since overpayments will not be created and have to be recovered in situations where individuals are able to elect the lower family maximum (based on DIB) on behalf of the deceased NH.

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB87

600. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; SUPPLEMENTAL SECURITY INCOME PROGRAMS; EFFECTUATING COMPONENT RECOMMENDATION THAT THE APPEALS COUNCIL REVIEW AN ALJ DECISION

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 1383a; 30 USC 923

CFR Citation: 20 CFR 404.955; 20 CFR 404.967a; 20 CFR 404.987; 20 CFR 410.662a; 20 CFR 416.1455; 20 CFR 416.1467a, (New); 20 CFR 416.1487

Legal Deadline: None.

Abstract: These proposed regulations add to our regulations procedures under which a Social Security component responsible for carrying out an administrative law judge hearing decision may recommend to the Appeals Council that the Appeals Council review the decision. Also, we are revising our regulations to make it clear that the Social Security Administration may reopen a final determination or decision on its own initiative. We are adding these rules to our regulations to make the public aware of these procedures and clarify any ambiguous issues.

The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AB90

601. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; USE OF WORK EVALUATIONS TO EVALUATE INDIVIDUALS WITH MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.1548; 20 CFR 416.948

Legal Deadline: None.

Abstract: The regulations that we are proposing provide the necessary guidelines for the disability determination services when it is necessary to refer individuals with mental impairments for a work evaluation. Work evaluations are needed in certain disability cases (both title II and title XVI) when it is necessary to evaluate the individual's ability to carry out the mental requirements of past work or other work available in the economy.

Timetable:

Action	Date	FR Cite
Notice	03/11/85	50 FR 9770
NPRM	09/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: Hugh A. Meade, Jr., Director, Division of Medical & Vocational Policy, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-3352**

RIN: 0960-AB92

602. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; DETERMINING DISABILITY AND BLINDNESS, MEDICAL-VOCATIONAL GUIDELINES, ILLITERACY AND INABILITY TO COMMUNICATE IN ENGLISH

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 404P, Appendix 2

Legal Deadline: None.

Abstract: The proposed changes will clarify the meaning of the terms "illiteracy" and "inability to communicate in English" as they are used in the disability adjudication regulations. Since only the Secretary of the Department of Health and Human Services and his or her delegates are empowered to administer the title II and title XVI disability and blindness programs these changes must be made on a Federal level. The Supplemental Security Income program incorporates by reference and uses the same medical-vocational criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB94

603. SUPPLEMENTAL SECURITY INCOME PROGRAM; SPOUSAL DEEMING COMPUTATION INVOLVING STATE SUPPLEMENTATION

Legal Authority: Bouchard v. Secretary, USDC (Mass) Civil No. 78-0632-F; 42 USC 1382e; Livermore v. Heckler, 743F. 2d 1396 (9th Cir. 1984)

CFR Citation: 20 CFR 416.1163(d); 20 CFR 416.2025(b)

Legal Deadline: None.

Abstract: This proposed rule would use the Livermore decision as the basis for a nationwide policy providing that for purposes of calculating State supplementary payments an optional State supplementary rate for a couple would be used instead of the rate for an individual in spousal deeming cases.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security

Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7460

RIN: 0960-AB95

604. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P, Appendix 1, Part B

Legal Deadline: None.

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe those mental impairments that apply only to the evaluation of impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7415

RIN: 0960-AB96

605. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486, (New)

Legal Deadline: None.

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ can make only a recommended decision on the case, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The proposed regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council takes jurisdiction. The change will permit prompter final decisions and some administrative savings. It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7452

RIN: 0960-AC07

606. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROHIBITION ON DIRECT PAYMENT OF FEES TO REPRESENTATIVES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1520; 20 CFR 416.1525; 20 CFR 416.1528; 20 CFR 416.1335

Legal Deadline: None.

Abstract: In these proposed rules, we will state explicitly our policy of not withholding money from a claimant's retroactive SSI benefits to pay a fee directly to the claimant's representative. We believe that no authority exists under the Social Security Act for such withholding. Furthermore, such withholding is prohibited by the assignment provisions of section 207 of the Social Security Act. We expect no costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 594-6785

RIN: 0960-AC08

607. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CHRONIC RENAL DISEASE

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1383(a)(4)(B)

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: We may pay benefits to a person applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These findings of presumptive disability and blindness may be made at the Social Security district offices only for specified impairment categories; at the State agencies, they may be made for any impairment category. We are proposing to add renal disease requiring dialysis on a regularly scheduled basis to these categories in view of the predictability that the disease will result in a finding of disability. We are also proposing a restructuring of our regulations to show more clearly that two of these impairment categories require confirming contacts before findings of presumptive disability may be made by district office.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security

Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AC10

608. SUPPLEMENTAL SECURITY INCOME PROGRAM; DEFINE OUT OF RESOURCES FOR ONE MONTH CERTAIN CASH PAYMENTS FOR MEDICAL/SOCIAL SERVICES

Legal Authority: 42 USC 1382(a)(1)(B)

CFR Citation: 20 CFR 416.1201(a)

Legal Deadline: None.

Abstract: The proposed revision would provide that, for one calendar month following receipt, money paid by a medical or social services program to enable someone to pay for an approved service would not be a resource. If still unexpended after a month, the money would be considered available for basic living expenses and so would be a resource. This will allow people a reasonable time in which to pay for services without affecting their supplemental security income eligibility. (The change would not apply to money which simply reimburses a person for a service payment already made.)

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC11

609. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPEALS COUNCIL REVIEW AND REOPENING AUTHORITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.970; 20 CFR 404.968a; 20 CFR 416.1470; 20 CFR 416.1468a, (New)

Legal Deadline: None.

Abstract: These regulations clarify the authority of the Appeals Council, as the highest adjudicatory body within the Social Security Administration, to review an administrative law judge decision or dismissal for any reason within 60 days after the date of a hearing decision or dismissal. The current regulations have been misinterpreted as limiting the scope of the Appeals Council review authority. The regulations also make it clear that where the Appeals Council grants a claimant's request to review an ALJ's decision, the Appeals Council reviews the entire record and may change the decision in its entirety, including those portions which were decided favorably to the claimant. Finally, these regulations make it clear that the Appeal's Council authority to reopen and revise an administrative law judge's decision is separate from and in addition to the Appeals's Council authority to review an administrative law judge's decision.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AC15

610. OLD-AGE SURVIVORS AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404

Legal Deadline: None.

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Brian Makoff, Acting Director, Division of Vocational Rehabilitation and Special Programs, Department of Health and Human Services, Social Security Administration, Office of Disability, 3-A-9 Operations Bldg., 6401 Security Blvd., Baltimore, Maryland 21235, **301 597-1775**

RIN: 0960-AC16

611. ● OLD-AGE, SURVIVIORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY

Legal Authority: 42 USC 423; Iamarino v. Heckler, 795 F.2d 59 (8th Cir. 1986)

CFR Citation: 20 CFR 404.1574; 20 CFR 416.974

Legal Deadline: None.

Abstract: In Iamarino v. Heckler, the court held that the positive presumption of substantial gainful activity (SGA) set forth in 20 CFR sec. 404.1574(b)(2) does not apply to sheltered workshop employment. We will be changing the regulations in order to clarify that the positive presumption **does** apply.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AC21

612. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EMPLOYMENT OPPORTUNITIES FOR THE DISABLED

Legal Authority: PL 99-643, Sec 2; PL 99 643, Sec 3; PL 99-643, Sec 4; PL 99-643, Sec 5

CFR Citation: 20 CFR 416.200ff; 20 CFR 416.401ff; 20 CFR 416.901ff; 20 CFR 416.1100ff; 20 CFR 416.1325ff; 20 CFR 416.1403; 20 CFR 416.2040; 20 CFR 416.1402; 20 CFR 416.1404

Legal Deadline: None.

Abstract: These proposed regulations will implement statutory changes contained in sections 2, 3, 4, and 5 of P.L. 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; (2) allow certain blind and disabled beneficiaries to receive up to 2 months of SSI benefits during temporary periods when they are in certain institutions; (3) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status; and (4) require that SSI recipients be appropriately informed of the availability of section 1619 benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: **Harry Short**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AC22

613. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ENTITIES AS REPRESENTATIVES OF SS CLAIMANTS; FEE PAID BY THIRD PARTY

Legal Authority: 42 USC 405; 42 USC 406(a); 42 USC 1302; 42 USC 1383(d)(2); 30 USC 921; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 410, Subpart F; 20 CFR 416, Subpart O

Legal Deadline: None.

Abstract: In these proposed regulations, we will recognize an entity as a claimant's representative in processing his claim for benefits, in the same way that we now recognize an individual as representative. We will also exempt from our fee approval rules a representative whose fee will be paid by a third party, with no liability to the represented claimant.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: **Jack Schanberger**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AC25

614. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Significance: Agency Priority

Legal Authority: 42 USC 1382b; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None.

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: **David Smith**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AC26

615. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGES

Legal Authority: PL 98-21; PL 99-514

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1047; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1061; 20 CFR 404.1062; 20 CFR 404.1063; 20 CFR 404.1064

Legal Deadline: None.

Abstract: P. L. 98-21, the Social Security Amendments of 1983, changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan (SEP). Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. P. L. 99-514 excludes from coverage payments under a cafeteria plan as described in section 125 of the Internal Revenue Code of 1986 and employee achievement awards for Social Security purposes. It extends the exclusions of Educational Assistance Programs and Group Legal Service Plans and removes the exclusion of SEP payments. The regulations will be updated to reflect and implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: **Charles Campbell**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AC27

616. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: PL 99-643, Sec 8

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None.

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was

living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. We are changing our regulations to conform to the statutory provision. Annual cost is not expected to exceed $1 million.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AC28

617. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; AND ORGANIZATION AND FUNCTIONS; RECORDS OF EARNINGS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 422.125

Legal Deadline: None.

Abstract: This proposed regulation will establish rules on the burden of evidence SSA requires of those requesting correction of the Secretary's record of their earnings, under what conditions the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect, and what types of evidence are required for this purpose. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester rather than requiring the agency to attempt to obtain evidence from employer records.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6785**

RIN: 0960-AC30

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

618. SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402; PL 99-272, Sec 12201 (a)

CFR Citation: 20 CFR 416, Subpart T

Legal Deadline: None.

Abstract: These rules reflect changes in the law which enable States effective for the 12-month period ending 6/82, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period. The concept of "State Supplementary payment level" is changed to a concept of combined supplementary and SSI payment levels applicable to months after 3/83. Also, a State is permitted to reduce its 3/83 State Supplementary payment levels by an amount up to the difference between the amount of the 7/83 general increase in the Federal benefits in 7/83. Also reflected in the rules is a special method of compliance for States meeting the passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	50 FR 07607
Final Action	08/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period. Moreover, these rules provide a special method of compliance for the period January 1, 1984 through December 31, 1986. A State will not be found out of compliance for that period if in the period January 1, 1986 through December 31, 1986, its supplementary payment levels are not less than its supplementary payment levels in effect in December 1976 increased by the percentage by which the Federal Benefit Rate has increased after December 1976 and before February 1986.

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AA05

619. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342; PL 99-272, Sec 12110; PL 99-272, Sec 12114; PL 99-272, Sec 13205; PL 99-504, Sec 1895(b)(18)

CFR Citation: 20 CFR 404, Subpart M

Legal Deadline: None.

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many

policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. When the regulations are published in final form, we will also add language to implement two provisions of Pub. L. 99-272 sec. 12110, which provides a uniform effective date for coverage agreements and modifications of agreements, and sec. 12114, which permits coverage of certain Connecticut State police, and a provision of sec. 9002 of the Omnibus Budget (cont)

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868
NPRM	05/29/86	51 FR 19468
NPRM Comment Period End	09/26/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: Reconciliation Act of 1986 which transfers from SSA to IRS all responsibility for the contributions and reporting for covered State and local wages paid after 1986.

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AA13

620. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; 42 USC 1382a; 42 USC 1382b

CFR Citation: 20 CFR 416, Subpart M

Legal Deadline: None.

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AA22

621. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1382j; 42 USC 1383; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383(d)

CFR Citation: 20 CFR 416.535; 20 CFR 416.550; 20 CFR 416.570; 20 CFR 416.1148; 20 CFR 416.1149; 20 CFR 416.1160; 20 CFR 416.1161; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1166; 20 CFR 416.1166a; 20 CFR 416.1202; 20 CFR 416.1204; 20 CFR 416.1821; 20 CFR 416.1851

Legal Deadline: None.

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 60470
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA26

622. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

Legal Authority: 42 USC 402; 42 USC 416; 42 USC 423(b); 42 USC 1302; 42 USC 1383; 42 USC 405; 42 USC 1382; 42 USC 1383b

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Legal Deadline: None.

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve Appeals Council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held) or if no hearing is held, before a final determination is made. These rules will generate program savings and administrative costs and savings. These rules also specify that where a claimant files a request for review of an ALJ hearing decision and submits additional evidence, the Appeals Council will consider the evidence only if it relates to the period ruled on by the ALJ.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	05/16/83	48 FR 21967

HHS—SSA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	07/15/83	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AA28

623. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR PRESUMING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923

CFR Citation: 20 CFR 404, Subpart H

Legal Deadline: None.

Abstract: The proposed regulations revise SSA policy to provide that unless we have evidence that a missing person is alive, we will consider a State or Federal court determination of death as sufficient evidence to presume the death of the missing person. If we are not given a court determination of death, we will presume that a missing person is dead if that person would be presumed to be dead under the law applied by the courts of the State of the person's last known permanent home. If that home was not in a State, we will use the law of the District of Columbia. The new rules will apply only for purposes of determining entitlement to benefits for months beginning with the month of the final rules publication in the Federal Register. The current rules will apply for determining entitlement to benefits for prior months. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period End	04/30/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA54

624. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 327; PL 96-342, Sec 1002(a); PL 97-306, Sec 408; PL 96-499, Sec 1141; PL 98-21, Sec 324

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Legal Deadline: None.

Abstract: This regulation consists of amendments to 5 rules on wage coverage under Social Security. These amendments are: (1) The value of the meals and lodging furnished for the convenience of the employer must be excluded from the employee's gross income; (2) With only limited exceptions, an employer may no longer exclude from an employee's wages, his or her payment of the employee's FICA tax; (3) Payments by an employer to an employee after the calendar year of the employee's entitlement to disability insurance benefits are not wages if paid in a period the employee did not work; (4) The scope of the entitlement to the deemed wages provided to internees of the camps for Japanese-Americans during World War II period is being broadened; (5) The scope of the entitlement to the deemed wages provided to members of the uniformed services is being narrowed. Only two regulations will have a cost impact. Amendment (1) above will reduce the Social Security benefits paid the affected employees but not by $100 million in any year. Amendment (2) will increase taxes paid by employers and employees but these increases are required by the statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39397
NPRM Comment Period End	12/29/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA55

625. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None.

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA59

626. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; EFFECT OF PENSION FROM NONCOVERED EMPLOYMENT

Significance: Regulatory Program

Legal Authority: PL 98-21, Sec 113; 42 USC 415; 42 USC 433; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart C

Legal Deadline: None.

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $1 million for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49558
NPRM Comment Period End	02/03/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6624**

RIN: 0960-AA65

627. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Legal Deadline: None.

Abstract: Current regulations for the Supplemental Security Income program provide that if countable liquid resources and total countable resources (liquid and nonliquid) do not exceed certain limits, conditional payment is possible while disposing of excess nonliquid resources. This regulation will eliminate the limit on total countable resources and also eliminate an operating assumption that property has no value at all because it did not sell during a conditional payment period.

Timetable:

Action	Date	FR Cite
NPRM	11/13/85	50 FR 46778
NPRM Comment Period End	01/13/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

628. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; US RESIDENCE REQUIREMENTS FOR NON-RESIDENT ALIENS AND DEDUCTIONS FOR WORK OUTSIDE THE U.S

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 340; 42 USC 402(t); 42 USC 403(d); PL 98-369, Sec 2661(g)

CFR Citation: 20 CFR 404.417; 20 CFR 404.460

Legal Deadline: None.

Abstract: These regulations implement Sec. 340 of Pub. L. 98-21--The Social Security Amendments of 1983--which provides a U.S. residence requirement that the dependent or survivor beneficiary must now meet if he or she is an alien outside the U.S. These provisions do not apply to the alien who is an old-age or disability beneficiary who is residing outside the U.S. for more than 6 months. The dependent or survivor beneficiary, however, who is an alien outside the U.S. will not be paid benefits effective January 1, 1985 unless he or she satisfies these new residence requirements. These provisions will effect negligible budget savings, i.e., $50 million for the period 1983-89. Also these regulations implement sec. 2661(g) of Pub. L. 98-369 by substituting a "45 hour" foreign work test for a "7 day" work test when imposing benefit deductions.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 07452
NPRM Comment Period End	05/05/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA76

629. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Legal Deadline: None.

Abstract: Section 1631(a)(A) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination of disability when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are adding AIDS to these categories.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/85	50 FR 5573
Final Action	00/00/00	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AA79

630. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN NEWLY HIRED FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4; PL 99-272, Sec 12112; PL 99-335, Sec 301; PL 97-248, Sec 278

CFR Citation: 20 CFR 404.1018

Legal Deadline: None.

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by sec. 4 of Pub. L. 98-118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll. Also, the proposed regulations would codify section 12112 of Pub. L. 99-272 which provides exemption from Social Security coverage for retired Federal judges on active duty. In addition, the proposed regulations would provide: 1) that Federal employees not otherwise subject to the Social Security tax are nevertheless subject to the Health Insurance portion of the tax under Pub. L. 97-248, and 2) that individuals covered by the Civil Service Retirement System may elect during a limited time to be covered under the Federal Employees Retirement System, which includes Social Security coverage.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: **Duane Heaton**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AA89

631. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

Significance: Agency Priority

Legal Authority: Berger v. Schweiker No. 76c 1420 (E.D.N.Y. July 31, 1984); Berger v. Heckler 771 F. 2d 1556 (1985); Section 1614(a)(1)(B) of the Social Security Act

CFR Citation: 20 CFR 416.1618

Legal Deadline: None.

Abstract: The proposed rule implements Berger which defines color of law for SSI purposes and sets out categories of aliens who are to be considered permanently residing in the U.S. under color of law. This will enable additional aliens to qualify for Supplemental Security Income benefits. Our preliminary estimates are that the proposed regulations could result in Federal SSI costs of between $7 million and $285 million in FY 1987 and between $9 million and $280 million in FY 1988. Our minimal estimated Medicaid costs for FY 1987, $370 million Federal and $295 million State, and for FY 1988,$420 million Federal and $355 million State.

Timetable:

Action	Date	FR Cite
NPRM	03/19/86	51 FR 09462
NPRM Comment Period End	05/19/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: **Dave Smith**, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB24

632. SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k; 31 USC 0505; 42 USC 1396a; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.2101 to 416.2176

Legal Deadline: None.

Abstract: Our current regulations implementing section 1634 of the Social Security Act provide that SSA will make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights (as well as the rights of any other Medicaid eligible person on whose behalf he or she has the legal authority to execute such an assignment of rights) to any medical care and support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). This is a Medicaid requirement that is different from SSI requirements. We plan to amend our regulations to provide that in making the Medicaid eligibility determination under a section 1634 agreement, SSA will also determine that the new assignment requirement has been met. The regulations will similarly allow for any other non-SSI Medicaid requirement mandated by Federal law, such as that added by sec. (cont.)

Timetable:

Action	Date	FR Cite
NPRM	05/09/86	51 FR 17200
NPRM Comment Period End	07/08/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: 9503 of Pub. L. 99-272 (concerning the provision of third party liability data). The resulting cost for SSA is estimated as less than $1 million a year, of which States would pay half. We are also rewriting and reorganizing our regulations for making Medicaid determinations.

Agency Contact: **C. H. Campbell**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AB28

633. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383; PL 97-455, Sec 2; PL 98-118, Sec 2; PL 98-460, Sec 7

CFR Citation: 20 CFR 404.1597; 20 CFR 404.1597a; 20 CFR 416.995; 20 CFR 416.996

Legal Deadline: None.

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving benefits/payments pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination; recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's benefits based on having in care a disabled adult child; recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and

receiving child's benefits; recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal. The estimated additional costs not already funded are FY 1985--$80.1 million, FY 1986--$112.6 million.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18611
NPRM Comment Period End	07/21/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB30

634. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Legal Deadline: None.

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. We are also explaining the qualifications necessary to be considered a qualified psychologist and what we will consider as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. SSA must now make every reasonable effort to see that the services of qualified psychiatrists and psychologists are obtained through proper State administration including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by less than $5 million in the first year that the regulations are effective. These figures were derived from the number of additional physician hours needed for State (cont.)

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50920
NPRM Comment Period End	02/11/86	
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: agency medical consultants.

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB31

635. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Legal Deadline: None.

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess is $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	07/18/86	51 FR 26026
NPRM Comment Period End	09/16/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7459**

RIN: 0960-AB32

636. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, PERFORMANCE STANDARD REVISIONS, AND OTHER CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None.

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability Benefits program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement recently enacted law which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to determine their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15658
NPRM Comment Period End	06/24/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB36

HHS—SSA

Final Rule Stage

637. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart V; 20 CFR 416, Subpart V

Legal Deadline: None.

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB37

638. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Legal Deadline: None.

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations to reflect that we will now consider the combined effect of impairments to determine severity. When the combined effect is found to be severe, the person's impairments are evaluated under the full sequential evaluation process.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB39

639. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; PERIOD OF DISABILITY--WHEN YOU MAY NOT BE ENTITLED TO BENEFITS

Legal Authority: 42 USC 402; 42 USC 405; 42 USC 416; 42 USC 423; 42 USC 428; 42 USC 1302; 42 USC 425; 42 USC APPENDIX

CFR Citation: 20 CFR 404

Legal Deadline: None.

Abstract: This proposed regulation would prohibit an individual from receiving any underpayment due a beneficiary other than the worker, if the individual requesting the underpayment due the beneficiary intentionally killed that beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	07/25/86	51 FR 26717
NPRM Comment Period End	09/23/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Lawrence V. Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB82

640. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE, SUPPLEMENTAL SECURITY INCOME & BLACK LUNG PROGRAMS--OWN MOTION REVIEW OF FEE DETERMINATION

Legal Authority: 42 USC 405; 42 USC 406; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957; 42 USC 1383

CFR Citation: 20 CFR 404.1720; 20 CFR 410.686; 20 CFR 416.1520

Legal Deadline: None.

Abstract: We proposed revising our regulation on review of attorney fee determinations approved for services before the Social Security Administration (SSA) under titles II and XVI of the Social Security Act and under title IV of the Federal Mine Safety and Health Act. These revised rules, if adopted, would have allowed SSA, on its own motion, to review and revise attorney fee determinations which are clearly based on improper application of the law and regulations, or on an error of fact. In light of the numerous comments we received after the publication of the Notice of Proposed Rulemaking, we are currently reevaluating this regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28834
NPRM Comment Period End	10/14/86	
Withdrawal Notice	04/00/87	

Small Entity: No

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB89

641. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIQUID AND NONLIQUID RESOURCES AND RESOURCES DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382b; 42 USC 1383

CFR Citation: 20 CFR 416.1201; 20 CFR 416.1207, (New)

Legal Deadline: None.

Abstract: SSA is amending its regulations to include a 20-day rule for distinguishing between liquid and nonliquid resources, and a first-of-the-month rule which states that changes in the value existence, or excludability of resources are not taken into account until the first moment of the next month. These policies were published in an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing final regulations on several significant policies which are being divided into two final regulations packages. We are finalizing these two rules at this time since they are needed for clarification. No costs concerning these clarified rules will be incurred since they are currently in effect in operational instructions and are not new policies.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC02

642. SUPPLEMENTAL SECURITY INCOME PROGRAM; PENSION FUNDS FOR DEEMING PURPOSES AND GRANDFATHERING PROVISIONS

Legal Authority: 42 USC 1302; 42 USC 1382(g); 42 USC 1382c(f)

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1260

Legal Deadline: None.

Abstract: SSA is amending its regulations to include a rule that pension funds are not counted as resources for deeming purposes and a provision in its grandfathering rules that an "SSI benefit" means a Federal benefit only and does not include any State supplement. These rules were published in the Federal Register as an NPRM reorganizing and rewriting the entire Subpart L on Resources. We do not plan at this time to publish the entire NPRM as a final rule. We are publishing several significant policies which are being divided into two final regulations packages. Costs concerning the pension funds rule will be minimal since we estimate less than 25 cases a year.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
NPRM Comment Period End	01/07/83	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AC03

643. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 425

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402; 20 CFR 404.902

Legal Deadline: None.

Abstract: The purpose of these regulation changes is to allow for consideration for continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	07/00/87	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AC05

644. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302; PL 99-272, Sec 12201(b)

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None.

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

HHS—SSA

Final Rule Stage

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 597-3409

RIN: 0960-AC13

645. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; APPLICATION OF DEPENDENCY TEST TO ADOPTED GREAT-GRANDCHILDREN; DEMONSTRATION PROJECTS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.362; 20 CFR 404.1599; 20 CFR 416.250

Legal Deadline: None.

Abstract: These regulations implement sections 12101 and 12104 of Pub. L. 99-272 (the Consolidated Omnibus Budget Reconciliation Act of 1985). Section 12101 of Pub. L. 99-272 extends the Secretary's waiver authority on demonstration projects in the title II disability insurance program which was originally provided for by section 505(a)(3) of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). Section 12101 also effectively makes the waiver authority for title XVI demonstration projects permanent. Section 12104 of Pub. L. 99-272 amends section 202(d)(8)(D)(ii) (III) of the Social Security Act to provide that great-grandchildren of the insured individual may be entitled to child's insurance benefits as grandchildren currently are, applying the dependency test for legally adopted children.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AC23

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

646. AID TO FAMILIES WITH DEPENDENT CHILDREN AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DISREGARD OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Significance: Agency Priority

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	10/27/86	51 FR 39520

Small Entity: No

Agency Contact: Harry J. Short 301 594-7337

RIN: 0960-AA71

647. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES; EXCLUSION OF UNDERPAYMENTS

CFR Citation: 20 CFR 416.1210

Completed:

Reason	Date	FR Cite
Final Action	09/29/86	51 FR 34462

Small Entity: No

Agency Contact: Henry Lerner 301 594-7453

RIN: 0960-AB11

648. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; WITHDRAWAL OF AN APPLICATION

CFR Citation: 20 CFR 404.640

Completed:

Reason	Date	FR Cite
Final Action	10/24/86	51 FR 37719

Small Entity: No

Agency Contact: Lawrence V. Dudar 301 594-7459

RIN: 0960-AB84

649. OLD-AGE SURVIVORS AND DISABILITY INSURANCE PROGRAMS; AND ORGANIZATION AND PROCEDURES: REMOVAL OF LIST OF TITLE II APPLICATION FORMS

CFR Citation: 20 CFR 404.611; 20 CFR 422.505

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41950
Final Action Effective	03/00/87	

Small Entity: No

Agency Contact: Cliff Terry 301 594-7519

RIN: 0960-AC12

650. SUPPLEMENTAL SECURITY INCOME PROGRAM; DISREGARDING OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L

Completed:

Reason	Date	FR Cite
Final Action	10/27/86	51 FR 39520

Small Entity: No

Agency Contact: Harry J. Short 301 594-7337

RIN: 0960-AC17

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Family Assistance (OFA)

Proposed Rule Stage

651. MEDICAL SUPPORT ENFORCEMENT #2

Significance: Regulatory Program

Legal Authority: 42 USC 652(f); 42 USC 1302

CFR Citation: 45 CFR 306

Legal Deadline: None.

Abstract: These proposed regulations would revise existing requirements governing cooperative agreements between Medicaid and IV-D agencies to provide medical support enforcement services and require enhanced State IV-D agency efforts in medical support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Additional Information: Related to RIN 0992-AA12 - Medical Support Enforcement.

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA18

652. IMPROVED CASE PROCESSING STANDARDS AND TIMEFRAMES

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 305

Legal Deadline: None.

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing an IV-D case.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Craig Hathaway, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA23

653. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None.

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to update the current scoring system for the performance indicators now in effect, and to provide the initial scoring methodology which would be used in evaluating the accounts receivable performance indicators.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA24

654. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing payments made to AFDC families, families receiving IV-D services during the up to 5-month mandatory service period following AFDC termination and non-AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mary Brogan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, MD 20852, 301 443-5350

RIN: 0992-AA25

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Family Assistance (OFA)

Final Rule Stage

655. INTERSTATE CHILD SUPPORT ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 654(9); 42 USC 1302

CFR Citation: 45 CFR 302.36; 45 CFR 303.7; 45 CFR 303.52; 45 CFR 305.20; 45 CFR 305.32

Legal Deadline: None.

Abstract: These proposed regulations would revise existing regulations governing interstate cooperation to require States to adopt uniform procedures for working interstate child support enforcement cases. These procedures would address such issues as: notice and information requirements, time frames, who pays for IV-D services provided, and information exchange between initiating and responding States.

HHS—OFA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43550
NPRM Comment Period End	02/02/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA17

656. PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304.23; 45 CFR 304.27

Legal Deadline: None.

Abstract: This proposed rule would prohibit Federal funding under the Child Support Enforcement program for expenditures resulting from incarceration of absent parents in child support enforcement cases and costs of counsel for indigent absent parents in IV-D actions.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20673
NPRM Comment Period End	08/05/86	
Final Action	03/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA19

657. DISREGARD OF CHILD SUPPORT PAYMENTS; REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Legal Deadline: None.

Abstract: This final rule implements the Deficit Reduction Act of 1984 which amends the Social Security Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Family Assistance, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, 301 443-5350

RIN: 0992-AA20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

658. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

Legal Authority: 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Legal Deadline: None.

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22750
NPRM Comment Period End	07/19/83	48 FR 22750
Final Action	09/00/87	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Population Affairs, Room 736E, HHH Bldg., 200 Independence Ave., Washington, DC 20201, 202 245-0146

RIN: 0905-AA24

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

659. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 290ee-3; 42 USC 290dd-3

CFR Citation: 42 CFR 2

Legal Deadline: None.

Abstract: Federal law requires that certain alcohol and drug abuse patient records be kept confidential. A

HHS—PHS—ADAMHA **Final Rule Stage**

comprehensive rewrite of implementing regulations proposed in the NPRM simplifies and substantially shortens existing rules and proposes major substantive changes including: (1) Limiting applicability to specialized alcohol and drug abuse programs, (2) Requiring notice to patients of Federal confidentiality requirements, (3) Including a sample consent form, (4) Eliminating the impediment to a patient's access to her/his own records, (5) Eliminating most sections restricting disclosures based on patient consent.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	08/25/83	48 FR 38758
NPRM Comment Period End	10/24/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: The location of the confidentiality provisions for alcohol and drug abuse patient records has been transferred from one public law to another and has been changed in the United States Code. P.L. 98-24, the Alcohol and Drug Abuse Amendments of 1983, consolidates alcohol, drug abuse, and mental health authorities in Title V of the Public Health Service Act. Section 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1175) is transferred to section 527 of the Public Health Service Act and is now codified at 42 U.S.C. 290ee-3. Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) is transferred to section 523 of the Public Health Service Act and is now codified at 42 U.S.C. 290dd-3. Sec. 106 of P.L. 99-401, the Children's Justice and Assistance Act of 1986, amends sections 523(e) and 527(e) of the Public Health Service Act (42 U.S.C. 290dd-3(e) and 290ee-3(e)) to permit reporting of suspected child abuse and neglect to appropriate State or local authorities in accordance with State law.

Agency Contact: Judith T. Galloway, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-3200**

RIN: 0905-AA26

660. OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Legal Authority: 42 USC 242a

CFR Citation: 42 CFR 64a

Legal Deadline: None.

Abstract: This rule implements statutory service payback obligations of recipients of clinical traineeships in psychology, psychiatry, social work, or nursing. The NPRM would revise 42 CFR 64a to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify that funds owed to the government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals. The option in existing regulations is to continue the potential for 50 different interest rates with disputes ensuing over what the maximum rate is within each jurisdiction. In addition the existing rule permits a 5-year interest-free period which the NPRM would reduce to 2 years. The NPRM will reduce costs to the government by reducing the interest-free period and by avoiding the expense of settling disputes concerning the correct interest rate for payback obligations.

Timetable:

Action	Date	FR Cite
NPRM	05/28/86	51 FR 19225
NPRM Comment Period End	07/28/86	51 FR 19225
Final Action	04/30/87	

Small Entity: Not Applicable

Agency Contact: Diana Trunnell, Grants Management Specialist, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 7C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4924**

RIN: 0905-AB48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

661. IMPROVE STANDARDS FOR RESPIRATOR DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: There are three major problems that the proposed regulatory action is intended to solve. First, the current regulatory provisions in 30 CFR 11 in some instances date back almost fifty years. As a result the provisions are not current with many of the extensive changes in respirator technology. Second, the current regulations do not provide for testing of respirators under either actual or simulated use conditions prior to certification. Third, the resources required to conduct routine respirator certification testing has made it difficult for NIOSH to keep respirator performance standards current with advances in respirator technology and with new knowledge on respirator performance characteristics. Alternatives considered: (1) the Federal government could relinquish the field entirely to the private sector. (2) The Federal government could promulgate performance standards but not be involved in assuring compliance with those standards. (3) The Federal government could continue to be the certifier of respirators but have manufacturers conduct testing. (4) The Federal government could continue its present role of total operation of the respirator system. NIOSH (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: selected alternative number (3). Cost is yet to be determined.

Agency Contact: Glendal J. Provost, Science Advisor, Department of Health and Human Services, Public Health Service, Office of the Director, NIOSH, Centers for Disease Control, **404 329-3773**

RIN: 0905-AB58

HHS—PHS—CDC

Proposed Rule Stage

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

662. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Legal Deadline: None.

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16724
NPRM Comment Period End	07/07/86	
Final Action	05/00/87	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-1802**

RIN: 0905-AB43

663. DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act of 1952; 42 USC 216 Sec 215, 58 Stat. 690, as amended; 42 USC 263 Sec 352 of the Public Health Service Act, as amended

CFR Citation: 42 CFR 7, (New)

Legal Deadline: None.

Abstract: This proposal initiates a program that would impose a user charge upon a private agency which requests reference biological standards or biological preparations for their own comparative performance tests to cover the cost to the Centers for Disease Control (CDC) of developing and distributing the products. CDC is proposing to impose an average user charge of $24 per unit distributed. The cost will vary, depending upon the type of preparation requested. CDC is not proposing to impose a user charge for State and local health departments, the World Health Organization, or international governments because these materials are provided to those agencies for public health reasons and not for the benefit of the requesters.

Timetable:

Action	Date	FR Cite
NPRM	04/29/86	51 FR 15919
NPRM Comment Period End	05/29/86	51 FR 15919
Final Action	04/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $95,000; Yearly Recurring Cost: $95,000; Base Year for Dollar Estimates: 1984

Affected Sectors: Multiple

Agency Contact: Elizabeth B. Ostuni, Biological Products Assistant, Department of Health and Human Services, Centers for Disease Control, Center for Infectious Diseases, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-3354**

RIN: 0905-AB49

664. SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37, (Revision)

Legal Deadline: None.

Abstract: The National Institute for Occupational Safety and Health (NIOSH) administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will provide additional specifications to enable X-ray readers in the Department's medical surveillance program for underground coal miners to interpret miners' chest X-rays more accurately to classify any existing or developing pneumoconiosis. The proposed changes are based on recommendations by NIOSH, the Mine Health Research Advisory Committee to NIOSH, and the American College of Radiology Task Force on Pneumoconiosis. The proposed rule will expand the specification for X-ray film size, specify film/screen combinations and speeds which can be used, and specify the method for obtaining a definitive interpretation of chest X-rays when two readers' interpretations do not agree.

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34723
NPRM Comment Period End	09/26/85	50 FR 34723
Final Action	04/00/87	

Small Entity: No

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Department of Health and Human Services, Centers for Disease Control, Examinations Proc Br, Div of Resp Dis Studies, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505, **304 291-4301**

RIN: 0905-AB51

HHS—PHS—CDC

Final Rule Stage

665. MEDICAL EXAMINATION OF ALIENS

Significance: Regulatory Program

Legal Authority: Sec 215 58 STAT 690; Sec 234 66 STAT 198; 42 USC 216; 8 USC 1224; Sec 322 58 STAT 696; Sec 325 58 STAT 696 to 697; Sec 212 66 STAT 182; Sec 326 66 STAT 182; 42 USC 249; 42 USC 252; 8 USC 1182; 8 USC 1226

CFR Citation: 42 CFR 34(b)(8), (New)

Legal Deadline: None.

Abstract: Dangerous contagious diseases, as defined under subsection 34.2(b), includes chancroid, gonorrhea, granuloma inquinale, lymphogranuloma venereum, infectious syphilis, infectious leprosy, and active tuberculosis. The proposed revision would add acquired immunodeficiency syndrome (AIDS) as the eighth disease on this list. It is proposed to add AIDS since it would be anomalous to have diseases such as the other sexually transmitted diseases (STD) on the list and not include AIDS. AIDS is a recently defined STD of significant public health importance.

Timetable:

Action	Date	FR Cite
NPRM	04/23/86	51 FR 15354
NPRM Comment Period End	06/23/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Laurence S. Farer, M.D., Director, Division of Quarantine, CPS, Department of Health and Human Services, Public Health Service, Centers for Disease Control, Atlanta, GA 30333, 404 235-1286

RIN: 0905-AB96

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Prerule Stage

666. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This action will announce the agency's approach for permitting truthful and nonmisleading health claims on food labels provided the claims can be substantiated by scientific evidence.

Timetable:

Action	Date	FR Cite
Notice of Policy	00/00/00	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905-AB67

667. ● DRUG EXPORTS

Significance: Regulatory Program

Legal Authority: PL 99-660 Drug Export Amendment Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Drug Export Amendment Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the Agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on Agency practices and policies concerning the implementation of the Drug Export Amendment Act of 1986. The Agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendment, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Steven Unger, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs and Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905-AC44

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

668. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None.

Abstract: The OTC drug review establishes conditions under which

OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 08/00/87

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 00/00/00

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 10/00/87

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 07/00/87

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 10/00/87

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 00/00/00

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 04/00/87

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 04/00/87

Cough/Cold (Anticholinergic) Products
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Anticholinergic/Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 00/00/00

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/00/87

Cough/Cold (Expectorant) Products
Final Action 07/00/87

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 00/00/00

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)

Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 09/00/87

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 09/00/87

Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 09/00/87

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 07/00/87

Oral Cavity (Health Care) Products

ANPRM 05/25/82 (47 FR 22760)
Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00
Oral Health Care Non-Antimicrobial Products
NPRM 08/00/87
Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Oral Wound Healing Products
Final Action 07/18/86 (51 FR 26112)
Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Otic Products (Earwax)
Final Action 08/08/86 (51 FR 28656)
Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00
Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00
Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)
Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00
Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 00/00/00
Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00
Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00
Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 10/00/87
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905-AA06

669. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None.

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	10/00/85	
NPRM	08/00/87	

Small Entity: No

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AA73

670. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None.

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:
Blood & Blood Components; Retrospective Review
NPRM 08/00/87
Final Action 00/00/00
Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 01/00/88

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs

& Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AA75

671. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Regulatory Program

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None.

Abstract: Based upon an evaluation of an action issues report, the Agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency. The proposed rule would also provide for reporting requirements for marketed animal drugs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Center for Veterinary Medicine, Department of Health and Human Services, Food and Drug Administration, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905-AA96

672. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100

Legal Deadline: None.

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present to a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). The agency is now considering what it options are with regard to the GRAS status of 1) sulfiting agents used on potatoes and 2) other food uses of sulfiting agents. Options being considered are: 1) affirming all uses of sulfiting agents as GRAS with specific limitation; 2) affirming most uses of (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
EFFECTIVE DATE 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 06/00/87
Final Action 06/00/88

GRAS Status of Certain Other Food Users of Sulfiting Agents, Etc.
Final Action 10/00/88

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 10/00/87

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)

Small Entity: No

Additional Information: ABSTRACT CONT: sulfiting agents as GRAS (excluding certain potato products) with specific limitations; and 3) revoking the GRAS status of all uses of sulfiting agents in food.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 426-9463**

RIN: 0905-AB52

673. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None.

Abstract: On July 3, 1986, the agency published a final rule that requires manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of approved new drug or abbreviated new drug applications to report to the agency whenever the manufacturer, packer, or distributor receives information about any adverse event that is both serious and unexpected and that is associated with the use of any of its marketed drug products. FDA is taking this action based on events in which serious adverse reactions, which were associated with an intravenous drug product (no longer marketed) that was not the subject of an approved new or abbreviated new drug application, were not reported to the agency by the manufacturer, packer, or distributor. Under the agency's previous regulations, neither the manufacturer, packer, nor the distributor of such a product is expressly obligated to report serious safety problems to the agency. The agency is considering a separate proposed rule for biological products that would require reports of adverse experiences associated with the use of licensed biological products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Adverse Exper Rptg Req; Mktg RX Drugs w/o Approved NDA or ANDA		
NPRM 03/21/85 (50 FR 11478)		
NPRM Comment Period End 05/20/85 (50 FR 11478)		
Final Action 07/03/86 (51 FR 24476)		
Final Action Effective 09/03/86 (51 FR 24476)		

Small Entity: No

Agency Contact: **Robert D. Bradley,** Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB53

674. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	12/00/87	

Small Entity: Undetermined

Agency Contact: **Emery J. Sturniolo,** Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Dev. (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905-AB55

675. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Regulatory Program

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: **Marilyn Watson,** Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB63

676. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Legal Deadline: None.

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Richard A. Carnevale,** Deputy Director, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4314**

RIN: 0905-AB72

HHS—PHS—FDA — Proposed Rule Stage

677. ● INFANT FORMULA RECALLS/INFANT FORMULA CURRENT GOOD MANUFACTURING PRACTICES; QUALITY CONTROL PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None.

Abstract: The Agency is preparing two proposals which will implement the Infant Formula Act of 1986. The first proposal will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The second proposal will establish current good manufacturing practice regulations and strengthen the Agency's existing quality control procedures for infant formulas.

Timetable:

Action	Date	FR Cite
NPRM Infant Formula Recall	04/00/87	
NPRM Infant Formula Current Good Practices; Qual Control Proc	12/00/87	

Small Entity: No

Agency Contact: Curtis Coker, Consumer Safety Officer, Cent. for Food Safety & Applied Nutrition, Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, 202 485-0024

RIN: 0905-AC46

678. ● PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None.

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA will propose to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy. OSTP has advised the Agency that concurrent publication of the final Model Policy and FDA's proposed rule is needed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bonnie M. Lee, Public Health Advisor, Health Assessment Policy Staff, Office of Health Affairs, Department of Health and Human Services, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905-AC52

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

679. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Significance: Regulatory Program

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Legal Deadline: None.

Abstract: This action will revise the agency's regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	49 FR 43530
Final Action	05/00/87	

Small Entity: No

Agency Contact: Paul D. Lepore, Bioresearch Coordinator, Division of Compliance Policy (HFC-230), Department of Health and Human Services, Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2390**

RIN: 0905-AA84

680. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Regulatory Program

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Legal Deadline: None.

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices. Seventeen comments were received in response to the proposed rule, five from pharmaceutical companies, six from trade/professional associations, three from consultants, two from veterinary practitioners, and one from a Federal agency. Only three of those commenting supported the proposal. The remaining 14 comments opposed the proposal. The agency is reevaluating the proposal in light of the comments received.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27016
Final Action	01/00/88	

Small Entity: No

Agency Contact: Donald A. Gable, Director, Division of Therapeutic Drugs for Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-130), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1414**

RIN: 0905-AB01

681. ANIMAL DRUG SAFETY POLICY

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 70.50; 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 500.90; 21 CFR 514.1; 21 CFR 514.111; 21 CFR 514.115

Legal Deadline: None.

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/18/79	44 FR 17070
NPRM	11/20/79	44 FR 17070
NPRM Amended	02/11/83	48 FR 06361
NPRM	10/31/85	50 FR 45530
Comment Period End	02/28/86	50 FR 45530
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: Robert Benson, Chemist, Policy Development & Quality Control Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905-AB04

682. IND REGULATIONS REVISION

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Legal Deadline: None.

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26760
NPRM Comment Period End	08/08/83	48 FR 26760
Final Action	03/00/87	

Small Entity: No

Agency Contact: Steven H. Unger, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905-AB09

683. PROPOSED USER CHARGE; NEW DRUG APPLICATIONS, ABBREVIATED NEW DRUG APPLICATIONS, NEW DEVICE APPLICATIONS, AND ANTIBIOTIC APPLICATIONS REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 31 USC 9701 Independent Offices Appropriation Act

CFR Citation: 21 CFR 314

Legal Deadline: None.

Abstract: The proposed rule would initiate a program that would require drug manufacturers (as beneficiaries of special services that the agency provides) to bear the costs that the agency incurs in reviewing and approving new drug and antibiotic applications, abbreviated new drug applications, new device applications, and certain supplemental applications. The agency would set fees for different types of applications. The benefit

accruing to an applicant under the agency's new drug and antibiotic application review and approval activity is that the applicant may lawfully market its new drug or antibiotic upon gaining agency approval. Review by the agency also benefits applicants by helping ensure that they will market only safe and effective drug products. This, in turn, enhances public confidence in applicant's drug products. Congress has prohibited FDA from implementing user charges. Legislation will be proposed in the 100th Congress to implement user charges for both drugs and devices.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31726
NPRM Comment Period End	09/05/85	

Next Action Undetermined

Small Entity: No

Additional Information: The future of this proposed rule is dependent on the outcome of Congressional action.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905-AB56

684. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Regulatory Program

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b), (c), & (d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None.

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 3 color additives remain on the provisional list. The agency is presently reviewing petitions to list these color additives permanently. Because FD&C Red No. 3 animal feed studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed (cont)

Timetable:

D&C Orange No. 17
Final Action 08/07/86 (51 FR 28331)
D&C Red No. 19
Final Action 08/07/86 (51 FR 28346)
D&C Red No. 37
Final Action 06/06/86 (51 FR 20786)
D&C Red No. 8 and D&C Red No. 9
Final Action 12/05/86 (51 FR 43877)
D&C Red Nos. 33 and 36
Final Action 05/00/87
FD&C Red No. 3
Final Action 11/00/87
FD&C Yellow No. 5
Final Action 07/07/86 (51 FR 24517)
FD&C Yellow No. 6
Final Action 11/19/86 (51 FR 41765)

Small Entity: No

Additional Information: ABSTRACT CONT: tumorigenic response in the animal feeding study. The agency has asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel has also been asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. D&C Red Nos. 33 and 36 present concern about their possible carcinogenicity, as well as concern about carcinogenic impurities. Although not found to be carcinogenic in animal testing, these colors are similar in structure to D&C Red No. 9, which was found to be safe based upon a de minimis interpretation of the statute, using conservative risk assessment techniques.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-330), 200 C Street, SW, Washington, DC 20204, **202 426-9463**

RIN: 0905-AB60

685. ANTIBODY TEST FOR HTLV-III; GENERAL BIOLOGICAL PRODUCTS STDS.; ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS; SEROLOGICAL TEST FOR HUMAN T-LYMPHOTROPIC VIRUS, TYPE III

Significance: Regulatory Program

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 610.45, (new); 21 CFR 640.2(f), (revision); 21 CFR 640.5, (new); 21 CFR 640.14, (revision); 21 CFR 640.23(a), (revision); 21 CFR 640.33(a), (revision); 21 CFR 640.53(a), (revision); 21 CFR 640.67, (revision); 21 CFR 640.70(a)(11), (new); 21 CFR 640.71(a)(4), (new); 21 CFR 640.72(a)(2), (revision)

Legal Deadline: None.

Abstract: On February 21, 1986, the agency proposed to require that each unit of blood and blood components be tested and found nonreactive by a licensed serologic test for antibody to human T-lymphotropic virus type III (HTLV-III). HTLV-III is believed to be the causative agent of acquired immunodeficiency syndrome (AIDS). The agency believes that the routine testing of blood by an approved serologic test for antibody to HTLV-III should decrease the risk of transmitting AIDS by the transfusion of blood and blood components and by the parenteral use of certain plasma derivatives.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6362
NPRM Comment Period End	03/24/86	51 FR 6362
Final Action	03/00/87	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905-AB62

HHS—PHS—FDA

Final Rule Stage

686. PATENT TERM RESTORATION OF REGULATED PRODUCTS (TITLE II OF "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Regulatory Program

Legal Authority: 21 USC 348 Federal Food, Drug and Cosmetic Act; 21 USC 355 Federal Food, Drug and Cosmetic Act; 21 USC 357 Federal Food, Drug and Cosmetic Act; 21 USC 360e Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263h Public Health Service Act; 35 USC 156 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 271 Drug Price Competition and Patent Term; Restoration Act, Title II; 35 USC 282 Drug Price Competition and Patent Term; Restoration Act, Title II

CFR Citation: 21 CFR 60

Legal Deadline: None.

Abstract: On July 11, 1986, the agency proposed regulations to implement the patent term restoration provisions (Title II) of the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417). Patent term restoration, extending patent life, is available for certain patents related to human drug products, and to medical devices, food additives, or color additives subject to regulation under the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
Request for Public Comments on Implementing Title II	06/28/85	50 FR 26791
NPRM	07/11/86	51 FR 25338
NPRM Comment Period End	10/09/86	51 FR 25338
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Frank Sasinowski, Deputy Director, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AB65

687. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None.

Abstract: The proposed rule would provide a mechanism that will allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product) provided quantitative cholesterol content information is supplied.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	01/26/87	51 FR 42584
Final Action	12/00/87	

Small Entity: No

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Appl. Nut. (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905-AB68

688. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None.

Abstract: Methylene chloride is used as a flame suppressant in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. Methylene is also used as a solvent to extract caffeine from green coffee beans. However, all but a very small portion of the methylene is removed during processing. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride but believes that prohibiting its use in cosmetics is the only approach that will assure that the public health will be fully safeguarded from all such products, both foreign and domestic.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM Comment Period End	02/18/86	50 FR 51551
Final Action	12/00/87	

Small Entity: No

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Cent. for Food Safety & Applied, Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 485-0160**

RIN: 0905-AC00

689. ● COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

HHS—PHS—FDA **Final Rule Stage**

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None.

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. The Agency proposed to exempt diluted cranberry juice beverages from the (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/01/84	49 FR 22831
NPRM Comment Period End	07/31/84	49 FR 22831
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: requirements of the regulation; however, the comments in response to the proposal were inconclusive. Options being considered include 1) allowing the final rule to become effective for all diluted juice beverages; 2) provide an exemption for cranberry and possibly other high acid juices; and 3) propose to withdraw the final rule published in 1980 (21 CFR 102.33) and allow competition and manufacturers' response to consumer demand for percent juice information to determine the extent to which this information is provided on product labels.

Agency Contact: Elizabeth Campbell, Asst. to the Director, Division of Regulatory Guidance, Department of Health and Human Services, Public Health Service, Cent. for Food Safety & Applied Nutrition, 200 C Street, SW, Washington, DC 20204, 202 485-0175

RIN: 0905-AC48

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

690. RISK ASSESSMENT POLICY FOR REGULATING CARCINOGENIC IMPURITIES IN FOOD AND COLOR ADDITIVES

CFR Citation: 21 CFR Chapter 1

Completed:

Reason	Date	FR Cite
Already been implemented by FDA through other agency actions upheld in courts	02/02/87	

Small Entity: Undetermined

Agency Contact: Alan M. Rulis 202 472-5676

RIN: 0905-AA12

691. REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Significance: Regulatory Program

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Completed:

Reason	Date	FR Cite
Included in RIN 0905-AA96	02/27/87	

Small Entity: No

Agency Contact: Andrew Beaulieu 301 443-3044

RIN: 0905-AB06

692. SULFITING AGENTS; LABELING IN DRUGS FOR HUMAN USE

Significance: Regulatory Program

CFR Citation: 21 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 43900
Final Action Effective	06/03/87	51 FR 43900

Small Entity: No

Agency Contact: Joseph Wilczek 301 295-8046

RIN: 0905-AB38

693. MEDICAL DEVICE AMENDMENTS: IMPLEMENTATION IMPROVEMENT

Significance: Regulatory Program

CFR Citation: 00 CFR Not Yet Determined

Completed:

Reason	Date	FR Cite
Service Criticism Task Force found no need for regulation	02/27/87	

Small Entity: Undetermined

Agency Contact: Philip B. White 301 443-3403

RIN: 0905-AB54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

694. GENERAL REVIEW AND REVISION OF PUBLIC LAW 93-638 PROGRAM AND CONTRACTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 40 et seq

CFR Citation: 41 CFR 3 to 4; 42 CFR 36, Subpart H and I

Legal Deadline: None.

Abstract: The Indian Self-Determination Act, Public Law 93-638 Regulations published November 1975 need to be revised and updated in light of 10 years of experience. Some provisions are now obsolete and others may impose unnecessary burden, restrictions, and require clarification. The proposed revision in effect would streamline the contract process, delete obsolete provisions, reduce unnecessary paperwork, strengthen accountability requirements and provide opportunities to strengthen autonomy and provide greater flexibility to Public Law 93-638 contractors.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/87	
NPRM	12/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Chief, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905-AB98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

695. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Legal Deadline: None.

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Public Health Service, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AB50

696. CHANGES IN PUBLIC LAW 93-638. REGULATIONS TO REVISE THE DECLINATION APPEALS PROCESS AND CLARIFY ITS SCOPE

Legal Authority: 25 USC 13; 42 USC 2001 et seq; 25 USC 450 et seq

CFR Citation: 42 CFR 36

Legal Deadline: None.

Abstract: Absence of a clear distribution between budget allocation and declination issues in the regulations has caused confusion for tribal organization. This proposed regulation will establish a method for tribes to seek a review of budget allocation decisions outside of the Indian Self Determination Act declination appeals procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Additional Information: This is a proposed coordinated effort between Indian Health Service and the Bureau of Indian Affairs to make changes in Public Law 93-638 regulations to revise the process and provide a criterion for declination appeals.

Agency Contact: Les Morris, Senior Analyst, Legislation and Regulations Branch, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 6A-20, Rockville, Maryland 20857, **301 443-1116**

RIN: 0905-AB99

697. NURSING SPECIAL PROJECT GRANTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. P.L. 99-92 adds three new purposes to the nursing Special Projects Program and specific appropriation authority for demonstrations. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC18

HHS—PHS—HRSA

Proposed Rule Stage

698. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None.

Abstract: This rule proposes to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before being published as final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC28

699. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None.

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) and add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC30

700. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92) which require public comment before being published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, 0906, Department of Health and Human Services, Public Health Service, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC31

701. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None.

Abstract: These regulations propose to implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) which require public comment before they can be published in final regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48,Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC32

702. GERIATRIC EDUCATION PROJECTS

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, Subpart 00 (Proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement provisions for 788 (d) of the Public Health Service Act relating to geriatric education of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Thomas L. Louden, D.D.S., Director, Div. of Associated and Dental Health Professions, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-101, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6853**

RIN: 0905-AC33

703. POST-BACCALAUREATE FACULTY FELLOWSHIP PROGRAM

Legal Authority: 42 USC 216; 42 USC 297

CFR Citation: 42 CFR 57, Subpart BB (proposed)

Legal Deadline: None.

Abstract: These proposed regulations would implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92). The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC34

HHS—PHS—HRSA

Proposed Rule Stage

704. GRANTS FOR COMMUNITY HEALTH SERVICES CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUA)

Legal Authority: PL 99-280, Sec 2; 42 USC 254c(b)

CFR Citation: 42 CFR 51c102(e)

Legal Deadline: None.

Abstract: Section 330(b) of the Public Health Service Act was amended by section 2 of the Health Services Amendments Act of 1986 (P.L. 99-280). The amendment requires the secretary to publish, in regulation, criteria for the designation of areas or population groups with shortages of personnel health services. These designated areas are eligible for the award of grants for planning and operating Community Health Centers. The amendment requires that the Secretary consult with the Chief Executive Officer of a State and local officials in publishing MUA designation criteria and in designating or dedesignating MUA. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AC35

705. ● HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None.

Abstract: This notice proposes an amendment to the existing regulations governing the criteria for Designation of Health Manpower Shortage Areas required by section 332 of the Public Health Act. This amendment would revise the definition for the term "internees" used in the criteria for designating those Federal and State institutions which have a shortage of primary medical care, dental care, or psychiatric manpower.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Richard C. Lee, Chief, Distribution & Shortage Analysis Br., Office of Data Analysis & Management, BHPr, Department of Health and Human Services, Public Health Service, Room 8-57, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-6932**

RIN: 0905-AC50

706. ● IMPLEMENTATION OF HEALTH CARE QUALITY IMPROVEMENT ACT OF 1986 (TITLE IV, PUBLIC LAW 99-660)

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60, (proposed)

Legal Deadline: None.

Abstract: This rule proposes to implement the Health Care Improvement Act of 1986, Title IV of Public Law 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information.

Timetable:

Action	Date	FR Cite
NPRM	08/30/87	

Small Entity: No

Agency Contact: Kenneth Moritsugu, M.D., Special Assistant to the Director, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-5796**

RIN: 0905-AC51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

707. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216; 42 USC 254(b)

CFR Citation: 42 CFR 56

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1978. A final regulation is being prepared for publication to include comments received on the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 85366
NPRM Previous	12/19/80	45 FR 85366
Interim Final Rule	02/17/81	
Final Action	05/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA62

708. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Legal Deadline: None.

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent

with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	11/04/86	51 FR 40108
NPRM Comment Period End	12/19/86	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Lloyd Fagg, Director, Div. Fiscal Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Pkln. Bldg. Rm. 16-05, Rockville, MD 20857, **301 443-6344**

RIN: 0905-AB31

709. GRANTS FOR NURSE ANESTHETIST TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Legal Deadline: None.

Abstract: These rules implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	12/16/86	51 FR 45000
NPRM Comment Period End	02/17/87	
Final Action	09/30/87	

Small Entity: No

Agency Contact: Dr. Thomas P. Phillips, Chief, Advanced Nurse Training Res. Br., Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-6333**

RIN: 0905-AB33

710. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Legal Deadline: None.

Abstract: As a condition of receiving construction assistance under Titles VI and XVI of the PHS Act, health care facilities are required to give assurance that they will make available in the facility constructed or modernized with that assistance, a reasonable volume of services to persons unable to pay. The existing regulations at 42 CFR Part 124, Subpart F establish detailed procedural requirements that facilities must follow in order to fulfill their obligations as recipients of this assistance. The proposed final regulations will retain the basic policies of the current rules but will provide increased flexibility to obligated facilities and reduce the administrative burden while protecting the interests of intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	08/29/86	51 FR 31000
NPRM Comment Period End	10/28/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Roger McClung, Legislative Officer, Department of Health and Human Services, Health Resources and Services Administration, Office of Program Development, 5600 Fishers Lane, Room 9A-33, Rockville, MD 20857, **301 443-4273**

RIN: 0905-AB35

711. INDIAN ELIGIBILITY

Significance: Regulatory Program

Legal Authority: 25 USC 13 (Snyder Act); 42 USC 2001 to 2004 (Transfer Act)

CFR Citation: 42 CFR 36, Subparts A, B & C

Legal Deadline: None.

Abstract: The Indian Health Service (IHS) and the Health Resources and Services Administration (HRSA) have been reviewing potential approaches for strengthening the management and allocation of IHS resources to most effectively serve program beneficiaries. The eligibility criteria for IHS program beneficiaries represent a primary focus of the review, particularly in view of recent trends among service recipients. For example, more people with a claim of Indian descent are using IHS services than ever before even though alternative medical care is available. This situation has arisen from greater awareness of possible eligibility, the availability of improved care, greater acceptance of the program by Indian people, and increased costs of medical care outside of IHS. The various special programs established by Congress to provide health services to the Indian people are a direct outgrowth of treaties and the resulting Federal trust relationship. Thus, any changes in these programs require Federal regulatory action. The NPRM will address such matters as tribal affiliation, residency requirements, and blood quantum.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 21118
NPRM Comment Period End	11/08/86	51 FR 21118
Final Action	06/00/87	

Small Entity: Not Applicable

Agency Contact: Richard J. McCloskey, Chief, Department of Health and Human Services, Public Health Service, Legislation & Regulations Branch, 5600 Fishers Lane, Room 6A-20, Rockville, MD 20857, **301 443-1116**

RIN: 0905-AB89

712. GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: 42 USC 254c; 42 USC 300 y-2; 42 USC 300 y-1; 42 USC 300 y-5; 42 USC 300 y-7; 42 USC 300 y-9

CFR Citation: 42 CFR 51c

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) was published on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626. Because of administrative changes and new policy directions, including the passage of the Primary Care Block Grant (PCBG) authority, finalization of the NPRM was delayed to determine if it was needed. The Community Health Center regulation is being revised for publication in final, to incorporate P. L. 95-626 changes, other relevant policy

changes and to simplify the existing regulation. On April 24, 1986, P.L. 99-280 repealed the PCBC authority.

Timetable:

Action	Date	FR Cite
NPRM	12/19/80	45 FR 83554
NPRM Comment Period End	02/17/81	
Final Action	07/15/87	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Legislation and Policy, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2380

RIN: 0905-AC01

713. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out Sec. 741(c)(2) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publication.

Abstract: This rule amends existing regulations governing the Health Professions Student Loan (HPSL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39460
NPRM Comment Period End	12/29/86	
Final Action	09/15/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC06

714. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: DEFERMENT REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: Statutory, January 22, 1986. Within 90 days after the Act's enactment, the Secretary of HHS shall promulgate regulations to carry out clause (ii) of Sec. 731(a)(2)(B) of the Public Health Service Act. Although the regulations will not be published until after the legal deadline, no requests for new deferments are expected until after publica.

Abstract: This rule amends existing regulations governing the Health Education Assistance Loan (HEAL) Program to include the revised deferment provisions enacted on October 22, 1985, as part of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39464
NPRM Comment Period End	12/29/86	
Final Action	09/15/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC07

715. NURSING STUDENT LOAN (NSL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-92)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nurse Education Amendments of 1985 (Pub.L. 99-92) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC10

716. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart Y

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39669
NPRM Comment Period End	12/29/86	
Final Action	07/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905-AC11

717. GRANTS FOR GRADUATE PROGRAMS IN HEALTH ADMINISTRATION

Legal Authority: 42 USC 216; 42 USC 295h

CFR Citation: 42 CFR 58, Subpart A

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 41988
NPRM Comment Period End	01/20/87	
Final Action	09/30/87	

Small Entity: No

Agency Contact: William S. Brooks, D.P.A., Chief, Public Health Professions Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-95, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6757**

RIN: 0905-AC12

718. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: PROVISIONS OF THE LAW (PUB.L. 99-129)

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None.

Abstract: These regulations would implement the provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-192) to bring the existing regulations into compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC13

719. PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 292a(8)

CFR Citation: 42 CFR 57, Subpart I

Legal Deadline: Statutory, October 1, 1986. After consultation with appropriate organizations, the Secretary shall, not later than October 1, 1986, prescribe regulations for programs for the training of physician assistants.

Abstract: This Notice of Proposed Rulemaking would amend existing regulations to incorporate the provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36412
NPRM Comment Period End	11/10/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AC15

720. ADVANCED NURSE EDUCATION PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296l

CFR Citation: 42 CFR 57, Subpart Z

Legal Deadline: None.

Abstract: This regulation would implement the provisions of the Nursing Education Amendments of 1985 (Pub. L. 99-92) and the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/28/86	51 FR 43048
NPRM Comment Period End	01/27/87	
Final Action	07/30/87	

Small Entity: No

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905-AC16

721. FINANCIAL ASSISTANCE FOR DISADVANTAGED HEALTH PROFESSIONS STUDENTS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 295g-7

CFR Citation: 42 CFR 57, Subpart DD

Legal Deadline: None.

Abstract: These regulations would implement a new authority under sections 787(a)(2)(F) and 787(b) of the Public Health Service Act, added by the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) for stipends for disadvantaged individuals of exceptional financial need for any period of health professions education at a school of medicine, osteopathy, or dentistry.

Timetable:

Action	Date	FR Cite
NPRM	09/05/86	51 FR 31920
NPRM Comment Period End	10/06/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AC19

722. GRANTS FOR RESIDENCY TRAINING AND ADVANCED EDUCATION IN THE GENERAL PRACTICE OF DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-6(b)

CFR Citation: 42 CFR 57, Subpart L

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35668
NPRM Comment Period End	12/08/86	
Final Action	06/00/87	

HHS—PHS—HRSA

Final Rule Stage

Small Entity: No

Agency Contact: Richard Weaver, D.D.S., Chief, Dental Health Branch, DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8C-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6837

RIN: 0905-AC20

723. AREA HEALTH EDUCATION CENTERS (AHEC)

Legal Authority: 42 USC 216; 42 USC 295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None.

Abstract: These regulations would implement provisions of the Health Professions Training Assistance Act of 1985 (Pub.L. 99-129) to bring the existing regulations into compliance with the law. The President's FY 1988 budget requested no funding for this program.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905-AC22

724. NURSING STUDENT LOAN (NSL) PROGRAM: DEFINE EXCEPTIONAL FINANCIAL NEED

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None.

Abstract: This regulation proposes a definition of exceptional financial need for the NSL Program, as required by the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	09/12/86	51 FR 32616
NPRM	10/14/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905-AC29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

725. NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

CFR Citation: 42 CFR 23

Completed:

Reason	Date	FR Cite
Final Action	09/08/86	51 FR 31947
Final Action Effective	09/08/86	51 FR 31947

Small Entity: No

Agency Contact: James J. Corrigan 301 443-2380

RIN: 0905-AA57

726. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROGRAM MANAGEMENT

Significance: Regulatory Program

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	01/08/87	52 FR 00730
Final Action Effective	04/08/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB46

727. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY - HILL-BURTON (PUBLIC FACILITIES)

Significance: Regulatory Program

CFR Citation: 42 CFR 124

Completed:

Reason	Date	FR Cite
Final Action	09/18/86	51 FR 33208
Final Action Effective	09/18/86	51 FR 33208

Small Entity: No

Agency Contact: Roger McClung 301 443-4273

RIN: 0905-AB75

728. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM-IMPROVED PROGRAM MANAGEMENT REGULATIONS

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn No further action required	02/03/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB93

729. NURSING STUDENT LOAN (NSL) PROGRAM - IMPROVED PROGRAM MANAGEMENT REGULATIONS

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn No further action required.	02/03/87	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AB95

730. CHARGING FEES FOR HILL-BURTON DIRECT AND GUARANTEED LOAN MODIFICATION REQUESTS

Significance: Regulatory Program

HHS—PHS—HRSA

Completed Actions

CFR Citation: 42 CFR 53.156, (new)

Completed:

Reason	Date	FR Cite
Final Action	10/28/86	51 FR 39376
Final Action Effective	10/28/86	

Small Entity: No

Agency Contact: Roger McClung 301 443-4273

RIN: 0905-AC05

731. GRANTS FOR VARIOUS HEALTH PROFESSIONS: INTERDISCIPLINARY TRAINING AND CURRICULUM DEVELOPMENT

CFR Citation: 42 CFR 57, Subpart NN

Completed:

Reason	Date	FR Cite
Withdrawn No regulatory action needed.	01/05/87	

Small Entity: No

Agency Contact: Mr. David B. Hoover 301 443-6853

RIN: 0905-AC08

732. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PROVISIONS OF THE LAW (PUB. L. 99-129)

Significance: Agency Priority

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	08/28/86	51 FR 30642
Final Action Effective	08/28/86	

Small Entity: No

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905-AC09

733. CAPITATION GRANTS FOR SCHOOLS OF PUBLIC HEALTH

CFR Citation: 42 CFR 57, Subpart JJ

Completed:

Reason	Date	FR Cite
Final Action	12/22/86	51 FR 45767
Final Action Effective	12/22/86	

Small Entity: No

Agency Contact: Dr. Howard L. Kelley 301 443-6896

RIN: 0905-AC14

734. HANSEN'S DISEASE DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES OF THE PUBLIC HEALTH SERVICE

CFR Citation: 42 CFR 22.1

Completed:

Reason	Date	FR Cite
Withdrawn P.L. 99-272 eliminates the need for this regulation.	02/04/87	

Small Entity: Undetermined

Agency Contact: James J. Corrigan 301 443-2380

RIN: 0905-AC26

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Proposed Rule Stage

735. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None.

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, 301 496-5356

RIN: 0905-AB91

736. CHANGES IN NIH PROGRAM REGULATIONS NECESSITATED BY THE PROVISIONS OF THE HEALTH RESEARCH EXTENSION ACT OF 1985 (P.L. 99-158) AND THE SUPERFUND AMENDMENTS AND REAUTH. ACT OF 1986 (P.L. 99-499)

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None.

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158) and the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

HHS—PHS—NIH

Proposed Rule Stage

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B03, Bethesda, MD 20892, **301 496-4606**

RIN: 0905-AC02

737. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None.

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905-AC27

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

738. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None.

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	09/00/87	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905-AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Health Care Financing Administration (HCFA)

739. ● REVISIONS TO MEDICARE APPEALS RIGHTS

Legal Authority: 42 USC 1395ff

CFR Citation: 42 CFR 405.701; 42 CFR 405.801

Legal Deadline: None.

Abstract: The proposed rule would revise current Medicare regulations to provide that beneficiaries may obtain an administrative law judge hearing under Part B of the Medicare program if the amount in controversy is $500 or more and judicial review if the amount in controversy is $1,000 or more. In determining the amount in controversy the regulations would allow two or more claims to be aggregated if the claims involved the delivery of similar or related services to the same individual or involve common issues of law and fact arising from services furnished to two or more individuals. This rule also would allow provider representation of beneficiaries during appeals and appeal of technical denials. These revisions reflect provisions of the Section 9341 of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	
Comment Period End		

Small Entity: No

Agency Contact: Morton Marcus, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 349 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-3700**

RIN: 0938-AC81

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Proposed Rule Stage

740. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803(b); 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837(b); 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889

Legal Deadline: None.

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AA33

741. SURVEY AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395bb

CFR Citation: 42 CFR 405; 42 CFR 442; 42 CFR 488

Legal Deadline: None.

Abstract: This proposed rule would implement recommendations made by the National Academy of Sciences' Institute of Medicine with which HCFA contracted to study the regulation on nursing homes. In addition to proposed improvements in the survey and certification of facilities furnishing long-term care under Medicare and Medicaid, we propose to consolidate all survey and certification requirements into one Part to streamline and simplify requirements which apply to all providers, suppliers and practitioners under Medicare and Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	47 FR 23404
Final Action	12/00/87	

Small Entity: Yes

Agency Contact: James Conrad, Chief, Survey Management Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 594-5014**

RIN: 0938-AA38

742. MEDICAID ELIGIBILITY

Legal Authority: 42 USC 1396a(a)(10)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations and make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AA58

743. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None.

Abstract: This rule would change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Guy Harriman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, G-C-7 Meadows East, 6300 Security Blvd., Baltimore, MD 21207, **301 594-4880**

RIN: 0938-AA63

744. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489

Legal Deadline: None.

Abstract: These rules amend existing Medicare and Medicaid regulations to conform them to statutory and policy changes that have occurred since those regulations were last published. The pertinent statutory changes are primarily those contained in the Omnibus Reconciliation Act of 1980 (P.L. 96-499) and the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act of 1985 (P.L. 98-619).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Luisa Iglesias, Technical Assistant, Department of

Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North, 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938-AB05

745. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None.

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AB07

746. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(4); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7)

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None.

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, and 99-509 relating to payment and "assignment" for diagnostic laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB50

747. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1903(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None.

Abstract: This proposal would revise current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement of Medicaid, and give a State the notion of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AB54

748. PHYSICIAN CERTIFICATION AND PLAN OF CARE REQUIREMENTS AND INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(26); 42 USC 1396a(a)(30)(B); 42 USC 1396a(a)(31); 42 USC 1396a(a)(44); 42 USC 1396b(g)

CFR Citation: 42 CFR 440; 42 CFR 441; 42 CFR 456

Legal Deadline: None.

Abstract: These rules would implement Sections 2363 and 2368 of the Deficit Reduction Act of 1984. The rules would make the requirements for physician certification and development of a plan of care (formerly utilization control requirements) State plan requirements. States would no longer be required to make the quarterly showings of compliance for those requirements or for utilization review. A quarterly demonstration to the Secretary of a satisfactory utilization control program would be limited to inspections of care in participating mental hospitals, skilled nursing facilities and intermediate care facilities, including intermediate care facilities for the mentally retarded.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Thomas E. Hoyer, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Services & Coverage Pol., Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB55

749. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(C)(3)(A)(ii)

CFR Citation: 42 CFR 417

Legal Deadline: None.

Abstract: These regulations would implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Stanley Katz, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AB57

750. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT, ENTITLEMENT, AND PREMIUMS

Legal Authority: 42 USC 426; 42 USC 426-1; 42 USC 426a; 42 USC 1395c; 42 USC 1395i-2; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 407

Legal Deadline: None.

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment, entitlement and premiums, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AB60

751. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395u; 42 USC 1395x; 42 USC 1395xx

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None.

Abstract: These regulations would implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching provider and services furnished to the provider, as well as the method of reimbursement for these services. This proposed rule sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule would also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938-AB61

752. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B); PL 99-272, Secs 9110 and 9509

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None.

Abstract: This proposed rule would propose changes to the regulations to implement section 2314 of Pub.L. 98-369 and section 9110 and 9509 of Pub.L. 99-272. This rule would impose new limitations on the evaluation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AB64

753. OMB REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR HOME HEALTH AGENCIES, INDEPENDENT LABORATORIES, AND PROVIDERS OF OUTPATIENT, PHYSICAL THERAPY AND/OR (CONT)

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) and (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721; 42 CFR 405.1224; 42 CFR 405.1228; 42 CFR 405.1225(a); 42 CFR 405.1226; 42 CFR 405.1314; ...

Legal Deadline: None.

Abstract: The purpose of this rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	51 FR 47266
NPRM Comment Period End	03/02/87	51 FR 47266
Final Action	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Speech Pathology Services

Agency Contact: Anita Heygster, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9825**

RIN: 0938-AB68

754. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None.

Abstract: Under current regulations, States are allowed to rebut their quarterly projected error rate with more recent MEQC data. However, this rebuttal process underestimates the true error rate. Therefore, these regulations will eliminate the rebuttal process. Further, amendments would clarify the basic operating MEQC program functions and modify other MEQC program elements. We also will revise the criteria under which States may make good faith waiver requests for disallowances of Federal financial participation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	08/00/87	

Small Entity: No

Agency Contact: Joseph Dunne, Acting Director, Office of Quality Control Programs, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control Programs, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1348**

RIN: 0938-AB85

755. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: None.

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. The result is that many laboratories may be required to submit to surveys by more than one authority and be adjudged in compliance with different standards. Inconsistent standards create confusion regarding necessary credentials and performance levels. This proposed rule would identify common standards and propose other revisions to rules aimed at reducing direct and indirect costs of clinical laboratories and at increasing quality of output.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB96

756. MEDICARE RECOVERY AGAINST THIRD PARTIES AND MEDICARE SECONDARY PAYORS

Legal Authority: 42 USC 1302; 42 USC 1395y; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None.

Abstract: This proposed rule would revise regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. The proposal would also clarify rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. And, it would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 474 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4978**

RIN: 0938-AC05

757. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11)

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b), (c); 42 CFR 405.310(e), (k)

Legal Deadline: None.

Abstract: This proposed rule would implement section 2323 of P.L. 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The proposed rule would solicit public comments on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. The proposal would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: James Hannon, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1734**

RIN: 0938-AC07

758. ASSIGNMENT AND REASSIGNMENT OF PROVIDER-BASED HOME HEALTH AGENCIES AND HOSPICES TO DESIGNATED REGIONAL INTERMEDIARIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395h(e)

CFR Citation: 42 CFR 421.3; 42 CFR 421.117; 42 CFR 421.128

Legal Deadline: None.

Abstract: This regulation requires all home health agencies and hospices to be served by designated regional intermediaries, instead of permitting provider-based HHAs and hospices to use the intermediaries their parent providers use. This reduces the number of intermediaries serving the HHAs and hospices, thus resulting in more consistent payment determinations and more effective and efficient administration.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 02424
NPRM Comment Period End	03/23/87	52 FR 02424
Final Action	09/00/87	

Small Entity: No

Agency Contact: Irvin Robinson, Director, Division of Procurement, Department of Health and Human Services, Health Care Financing Administration, Room 334 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-8003**

RIN: 0938-AC20

759. REVIEW OF INFORMATION COLLECTION AND RECORDKEEPING REQUIREMENTS FOR SUPPLIERS OF END-STAGE RENAL DISEASE SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395rr

CFR Citation: 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 405.2139

Legal Deadline: None.

Abstract: The purpose of this proposed rule is to propose changes in several regulations containing information collection requirements for suppliers of End-Stage Renal Diseases services. The changes would remove requirements found to be overly prescriptive.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John Powell, Program Analyst, Alternative Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 474-EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-0565**

RIN: 0938-AC26

760. PAYMENT FOR DIRECT MEDICAL EDUCATION

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 9202; PL 99-509, Sec 9314

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85

Legal Deadline: None.

Abstract: This regulation proposes changes to the Medicare Policy concerning reimbursement for direct medical education costs of providers. These changes are necessary in order to implement the new sections 1861(v)(1)(Q) and 1886(h) of the Social Security Act, which were added by section 9202 of Pub. L. 99-272. These changes would be effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Yes

Agency Contact: Linda Magno, Director, Div. of Hospital Payment Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9344**

RIN: 0938-AC27

761. FIRE SAFETY STANDARDS FOR HOSPITALS, SKILLED NURSING FACILITIES, INTERMEDIATE CARE FACILITIES AND AMBULATORY SURGICAL CENTERS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(e)(9); 42 USC 1395x(j)(13); 42 USC 1395k(a)(2)(F)(i); 42 USC 1396d(c); 42 USC 1396d(d); 42 USC 1302

CFR Citation: 42 CFR 405.1022(b)(1); 42 CFR 405.1134(a); 42 CFR 416.44(b); 42 CFR 442.321(a); 42 CFR 442.321(c); 42 CFR 442.322; 42 CFR 442.323

Legal Deadline: None.

Abstract: This proposed rule would solicit comments on amending the fire safety standards for hospitals, skilled nursing facilities, intermediate care facilities and ambulatory surgical centers to incorporate by reference the 1985 edition of the Life Safety Code of the National Fire Protection Association.

Timetable:

Action	Date	FR Cite
NPRM	01/28/87	52 FR 02430
NPRM Comment Period End	03/23/87	52 FR 02430
Final Action	00/00/00	

Small Entity: No

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AC28

762. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a)

CFR Citation: 42 CFR 435.541; 42 CFR 435.911

Legal Deadline: None.

Abstract: These proposed regulations would make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations would incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The proposed regulations would also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Joyce Stokes, Branch Chief, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-3870**

RIN: 0938-AC31

763. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1988 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412

Legal Deadline: Statutory, June 1, 1987. In accordance with 42 USC 1395ww(e)(5)(A), an NPRM must be published by 06/01/87. Final rule must be published by 09/01/87.

Abstract: This proposed rule will solicit public comments on various revisions to the inpatient hospital prospective payment system. It will also include proposed changes in the methods, amounts, and factors used to determine the prospective payment rates applicable to discharges occurring during FY 88.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	
Final Action	09/01/87	

Small Entity: Yes

Agency Contact: Linda Magno, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-1 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9343**

RIN: 0938-AC39

764. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None.

Abstract: This proposed rule would amend and clarify the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule would amend and clarify the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6403**

RIN: 0938-AC40

765. DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1)

CFR Citation: 42 CFR 416.65

Legal Deadline: None.

Abstract: This notice announces proposed deletions to the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: No

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AC45

766. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION

Significance: Regulatory Program

Legal Authority: 42 USC 300e-9

CFR Citation: 42 CFR 110.808, (removed)

Legal Deadline: None.

Abstract: This proposed action would delete current Public Health Service rules (now the responsibility of HCFA) concerning the requirement that an employer contributes to an employee health benefit HMO option an amount equal to what the employer contributes to a non-HMO alternative health plan.

Timetable:

Action	Date	FR Cite
NPRM	01/13/87	52 FR 01343
NPRM Comment Period End	03/16/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Carolyn Cocotas, Special Assistant, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 317H HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-8036**

RIN: 0938-AC48

767. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

Legal Authority: 42 USC 1395f(i)

CFR Citation: 42 CFR 418.306(c)

Legal Deadline: None.

Abstract: This notice would replace the current wage index used to determine payment for hospice care furnished to Medicare beneficiaries with the HCFA survey-based hospital wage index.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	

Small Entity: No

Agency Contact: Anthony Lovecchio, Director, Div. of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4011**

RIN: 0938-AC49

768. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(c); 42 USC 1396o(a)(2)(E); 42 USC 1396o(b)(2)(E); 42 USC 1396(g); PL 97-248; PL 99-509; PL 99-514

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 436.218; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441, Subpart I; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None.

Abstract: These regulations would implement 3 provisions of P.L. 99-272: (1) Under 9505, Medicaid coverage of hospice care at State option. The regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) Under 9508, Medicaid coverage of case management services at State option, furnished to specific Medicaid groups or geographic areas within a State; (3) Under 9123, indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC52

769. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396n(c); PL 99-509 Sec 9408; PL 99-509 Sec 9411

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.190; 42 CFR 440.250

Legal Deadline: None.

Abstract: This rule would revise the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this proposal would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC55

770. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l(a); 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 1395(b); 42 USC 1395(k); 42 USC 1395u(b),(h); 42 USC 1395x(b); 42 USC 1395y(a)(14); 42 USC 1395cc(a)

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a) to (c)

Legal Deadline: None.

Abstract: This proposal is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are proposing to clarify and modify some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ADDITIONAL LEGAL CITE: 42 USC 1395rr(b)(3)

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1810**

RIN: 0938-AC57

771. RESPONSIBILITIES OF HOSPITALS IN EMERGENCY CASES AND REQUIREMENTS FOR PARTICIPATION IN CHAMPUS AND CHAMPVA PROGRAMS

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 10 USC 1079; 10 USC 1086; 38 USC 613

CFR Citation: 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.53; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; 42 CFR 1003.105; 42 CFR 1003.106; 42 CFR 1003.109; 42 CFR 1003.114

Legal Deadline: None.

Abstract: This proposed rule would implement sections 9121 and 9122 of Pub. L. 99-272. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AC58

772. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN NON-MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 413.179

Legal Deadline: None.

Abstract: These proposed regulations would exclude the costs associated with kidneys sent to foreign countries or transplanted in non-Medicare recipients from Medicare payments made to organ procurement agencies. The regulations would also require Medicare intermediaries to monitor all kidneys sent to foreign transplant centers to ensure that foreign countries pay no more than the standard acquisition costs plus the cost of transporting the kidneys.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Mark Horney, Program Analyst, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-6939**

RIN: 0938-AC59

773. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25)

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21

Legal Deadline: Statutory, October 7, 1986. Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published 6 months from date of enactment.

Abstract: This rule would implement, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/02/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marlene Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Policies and Procedures Branch, 1-A-4 ME Bldg. 6325 Security Blvd., Baltimore, MD 21207, **301 597-0463**

RIN: 0938-AC64

774. REASONABLE CHARGE PAYMENT LIMITS FOR ENTERAL PRODUCTS AND SUPPLIES

Significance: Agency Priority

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: This notice proposes to establish special reasonable charge payment limits for enteral products and supplies. This proposal is intended to prevent excessive payments for these products and supplies.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/87	

Small Entity: Undetermined

Agency Contact: Gale Held, Director, Division of Operational Initiatives, Department of Health and Human Services, Health Care Financing Administration, 367 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-9101**

RIN: 0938-AC67

775. ALTERNATE SANCTIONS FOR ESRD FACILITIES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395rr

CFR Citation: 42 CFR 405

Legal Deadline: None.

Abstract: These rules would provide that, when the only deficiency cited for a supplier of ESRD services is a failure to cooperate in achieving the plans and objectives of the ESRD network of which the supplier is a member, and that failure does not jeopardize patient health and safety, HCFA may, as an alternative to terminations of Medicare coverage of the facility's ESRD services, impose alternative sanctions such as denial of payment for services furnished to patients accepted for care after the effective date of the sanction,

or a gradual reduction in the payments for all patients.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Yes

Agency Contact: Spencer B. Colburn, Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 ME Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938–AC68

776. ● MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1396a(a)(10)(A)(i)(II); 42 USC 1396d(q); 42 USC 1382h

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate the mandatory categorically needy eligibility group of qualified severely impaired individuals established by section 9404 of the Omnibus Budget Reconciliation Act of 1986. This group includes individuals under age 65 who received either SSI State Supplements, or section 1619(a) benefits and who (1) continue to be blind or have a disabling physical or mental impairment; (2) except for earnings, continue to meet all other requirements for SSI eligibility; (3) would be seriously inhibited by the lack of Medicaid coverage from continuing to work or from obtaining employment; and (4) have earnings that are not sufficient to provide a reasonable equivalent of the Medicaid, SSI or title XX attendant care benefits that would be available if he or she did not work. The regulations would also incorporate related amendments from the Employment Opportunities for Disabled Americans Act (Pub.L. 99-643).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-6529**

RIN: 0938–AC82

777. ● DENIAL OF MEDICARE PAYMENTS FOR POOR QUALITY CARE

Legal Authority: 42 USC 1320c-3(a)(2)(C); 42 USC 1395cc(a)(1)(I)

CFR Citation: 42 CFR 466

Legal Deadline: None.

Abstract: The purpose of this proposed rule is to implement section 9403 of PL 99-272 that authorizes a PRO to deny Medicare payment whenever it identifies a substandard quality of care. That is, the PRO would determine: (1) Whether the quality of services meets professionally recognized standards of health care; and (2) Whether payment would be made for services that do not meet professionally recognized standards of health care. Medicare beneficiaries would not be liable for payment for services denied on the basis of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Yes

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-7910**

RIN: 0938–AC84

778. ● END STAGE RENAL DISEASE PROGRAM: RESPONSIBILITIES OF NETWORK ORGANIZATIONS

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2112; 42 CFR 405.2113

Legal Deadline: None.

Abstract: These proposed regulations would revise final regulations published on August 26, 1986 (51 FR 30356) pertaining to the End Stage Renal Disease (ESRD) networks and organizations to reflect certain provisions of the ESRD program amendments contained in sections 9335(d) through (h) of the Omnibus Budget Reconciliation Act of 1986. These regulations would revise the responsibilities of network organizations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938–AC86

779. ● END STAGE RENAL DISEASE PROGRAM: REVISED NETWORK AREA DESIGNATIONS

Legal Authority: 42 USC 1395rr

CFR Citation: Not yet determined

Legal Deadline: Statutory, May 1, 1987.

Abstract: This proposed notice would provide for 17 End Stage Renal Disease (ESRD) network areas, set forth the geographic areas of the new network organizations, and the criteria used to designate the new areas. This notice also proposes evaluation criteria and performance indicators for monitoring the performance of network organizations.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	09/00/87	

Small Entity: Yes

Agency Contact: Spencer Colburn, Branch Chief, Hospital Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Blvd., Baltimore, MD 21207, **301 594-3413**

RIN: 0938–AC87

780. ● REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1395aa; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395a(a)(27); 42 USC 1396i

CFR Citation: 42 CFR 405.1505; 42 CFR 405.1902; 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 489.13

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare and Medicaid rules to provide for a 60-day conditional certification period for facilities seeking participation in the Medicare and Medicaid program to apply uniform effective rules to all Medicare or Medicaid providers, including Medicare Suppliers, and Medicaid only hospitals and home health agencies; and to specify that effective date decisions are precluded from Medicare reconsiderations and hearings.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Peter Burdette, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-3222**

RIN: 0938-AC88

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781. ● RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

Legal Authority: 42 USC 1395bb

CFR Citation: 42 CFR 482.27; 42 CFR 405.1310ff

Legal Deadline: None.

Abstract: This notice proposes that the Health Care Financing Administration recognize the accreditation program of the College of American Pathologists for clinical laboratories participating in the Medicare program. As a result of HCFA's recognition, these laboratories would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. They would be "deemed" to meet the Medicare Conditions of Participation for Hospital-Based Laboratories (42 CFR 482.27) or independent laboratories (42 CFR 405.1310ff).

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	09/00/87	

Small Entity: No

Agency Contact: Mike Goldman, Chief, Laboratory and Ambulatory Services Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6300 Security Boulevard, Baltimore, MD 21207, **301 594-9737**

RIN: 0938-AC89

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782. ● PRO PREPROCEDURE REVIEW OF CERTAIN SURGICAL PROCEDURES

Legal Authority: 42 USC 1320c-13

CFR Citation: 42 CFR 466.110

Legal Deadline: None.

Abstract: This proposed rule would implement section 9401 of Pub.L. 97-272, which provides that, under Medicare, a physician must request from the Professional Review Organization (PRO) preadmission review for certain inpatient elective surgical procedures and preprocedure review for certain outpatient elective procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary may obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, an opinion from a third physician.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mary Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-7909**

RIN: 0938-AC90

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783. ● PART B PREMIUM FOR 12-MONTH PERIOD BEGINING 01/01/88

Legal Authority: 42 USC 1395r

CFR Citation: 42 CFR 405.902

Legal Deadline: Statutory.

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1988. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	09/30/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-2829**

RIN: 0938-AC92

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784. ● INPATIENT HOSPITAL DEDUCTIBLE BEGINNING 01/01/88

Legal Authority: 42 USC 1395e

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates.

Timetable:

Action	Date	FR Cite
Notice	09/15/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-2829**

RIN: 0938-AC94

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785. ● PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1395(x)(u)

CFR Citation: 42 CFR 413.56

Legal Deadline: None.

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to

develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-9640

RIN: 0938-AC97

786. ● CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS FOR OUTPATIENT HOSPITAL SERVICES

Legal Authority: 42 USC 1395(x)(u)

CFR Citation: 42 CFR 413.157

Legal Deadline: None.

Abstract: Under the discretionary authority of section 1861(v)(1)(p) of the Act, we are proposing that the allowance for a return on equity capital, which currently applies to all proprietary health care providers, including all services furnished by proprietary hospitals, would cease to apply to outpatient hospital services furnished by proprietary hospitals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action Effective	09/00/87	

Small Entity: Undetermined

Agency Contact: John Rogers, Chief, Policy Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-2799

RIN: 0938-AC98

787. ● CHANGES CONCERNING DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE AND SUSPENSION OF PAYMENTS

Legal Authority: 42 USC 1395(g); 42 USC 1395(u); 42 USC 1395(x)(v)

CFR Citation: 42 CFR 413.153; 42 CFR 405.370(b)

Legal Deadline: None.

Abstract: This rule proposes changes to the Medicare regulations to provide for the following: (1) elimination of the requirement that investment income of both nonprofit and proprietary hospitals from gifts, grants, and endowments be held separately and that if not held separately, it be offset against allowable interest expenses; (2) extension of the list of exceptions to the interest expense reduction provision; and (3) elimination of the requirement that prior to suspension of payment, carriers or intermediaries make determinations that suspension of payments to providers is needed to protect the program against financial loss. This proposed rule is intended to conform the regulations with the law, to provide necessary clarification, and to promote economy and efficiency in the Administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AC99

788. ● HOSPITAL OUTPATIENT AMBULATORY SURGICAL RATES

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i)

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This proposed notice would set forth a schedule of Hospital Ambulatory Surgical Rates effective for hospital cost reporting periods beginning on or after October 1, 1987. These rates would be set using the payment methodology required by section 9343(a) of the Omnibus Budget Reconciliation Act of 1986, enacted on October 21, 1986.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: Undetermined

Agency Contact: William Goeller, Director, Division of Provider Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AD00

789. ● CHANGES CONCERNING THE ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 413.24

Legal Deadline: None.

Abstract: This rule would revise the regulations to provide clarification of the definition of "accrual basis of accounting."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1802

RIN: 0938-AD01

790. ● OPTIONAL PAYMENT SYSTEM FOR LOW VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d)

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This rule will propose establishing optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose

instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AD02

791. ● CHANGES TO THE DRG CLASSIFICATION SYSTEM

Legal Authority: 42 USC 1395ww(d)(4)(C)

CFR Citation: 42 CFR 412.10

Legal Deadline: None.

Abstract: This notice would make changes to the DRG classification system to reflect current program experience and technological advances.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/87	

Small Entity: Undetermined

Agency Contact: Linda Magno, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9349**

RIN: 0938-AD03

792. ● PAYMENTS FOR AMBULATORY SURGICAL SERVICES AND LIST OF COVERED SURGICAL SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i)

CFR Citation: Not applicable

Legal Deadline: Statutory, July 1, 1987.

Abstract: We would update the payment amounts for ambulatory surgical services. In addition, we would revise the list of covered surgical services.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/87	
Final Notice	07/00/87	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AD04

793. ● CAPITAL PAYMENTS UNDER THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1395 x(v)(1)(B)(P); 42 USC 1395 ww(a)(4)(g)

CFR Citation: 42 CFR 412.2; 42 CFR 412.63; 42 CFR 412.65; 42 CFR 412.66; 42 CFR 412.67; 42 CFR 412.84; 42 CFR 412.92; 42 CFR 413.161

Legal Deadline: Statutory, October 1, 1987.

Abstract: We would amend the Medicare regulations governing the inpatient hospital prospective payment system to incorporate capital-related costs into that system.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AD06

794. ● CRITERIA AND PROCEDURES FOR MEDICAL SERVICES COVERAGE DECISIONS

Legal Authority: 42 USC 1395y

CFR Citation: 42 CFR 405.310; 42 CFR 405.407; 42 CFR 405.408

Legal Deadline: None.

Abstract: The proposed rule would establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this proposed rule is to assure that Federal funds are expended only for medical services that are appropriate to meet an individual's medical needs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Bart McCann, M.D., Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9370**

RIN: 0938-AD07

795. ● MEDICARE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(S)(2)(J)

CFR Citation: 42 CFR 405.232; 42 CFR 405.231

Legal Deadline: None.

Abstract: This proposed rule would implement section 9335(c) of Pub.L. 99-506 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare, Part B coverage, of drugs or biologicals that can be self-administered. The regulations must be amended to reflect the new statutory requirement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: James Hannon, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1734**

RIN: 0938-AD09

796. ● STANDARDS FOR THE REUSE OF DIALYSIS FILTERS AND OTHER DIALYSIS SUPPLIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.2136; 42 CFR 405.2138; 42 CFR 405.2139; 42 CFR 405.2140

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare rules to include standards and conditions for safe and effective dialyzer reuse and processing, enforceable as a condition of Medicare participation effective October 1, 1987. This rule would also require that effective January 1, 1988, no reuse of bloodlines, transducer caps, and other accessories shall be allowed in Medicare certified ESRD facilities until and unless standards and conditions for safe reuse and processing of these devices and equipment are imposed as a condition of participation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938-AD10

797. ● REVISION TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND END STAGE RENAL DISEASE FACILITIES

Legal Authority: 42 USC 1320b-8; 42 USC 1395x(e)(6)(B) and (ee); PL 99-509, Sec 9339(d)

CFR Citation: 42 CFR 405.1312; 42 CFR 405.2171; 42 CFR 482.21

Legal Deadline: None.

Abstract: These revisions would (a) require hospitals to provide a discharge planning process; (b) require hospitals to have written protocols for identifying potential organ donors; (c) require hospitals in which organ transplants are done to be members of and comply with all rules and requirements of the Organ Procurement and Transplantation Network; and (d) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions would conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AD11

798. ● CONDITIONS OF PARTICIPATION FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c)

CFR Citation: 42 CFR 405, Subpart K; 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442, Subparts D, E & F; 42 CFR 483

Legal Deadline: None.

Abstract: These conditions would replace the existing separate conditions for SNFs participating in the Medicare program, and SNFs and ICFs participating in the Medicaid program. Although some essential distinctions imposed by the statute remain, these new conditions reflect common needs in SNFs and ICFs. The purpose of these revisions is to focus on actual facility performance in meeting residents' needs in a safe and healthful environment, rather than on the capacity of a facility to provide appropriate services. The result of this change in focus will be to enforce requirements from the perspective of quality of care and life for long term care patients, not only under Medicare and Medicaid, but generally since most of these requirements pertain to all patients of a SNF or ICF. These revisions are also expected to simplify Federal enforcement by using a single set of conditions, which apply to activities common to all facilities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AD12

799. ● RECOGNITION OF JOINT COMMISSION FOR ACCREDITATION OF HOSPITAL'S HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Significance: Agency Priority

Legal Authority: 42 USC 1395bb(a)

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Under this proposed notice, hospital-based home health agencies accredited by the Joint Commission for Accreditation of Hospitals and home health agencies accredited by the National League for Nursing would be considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies would not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of deemed status under Medicare, a home health agency also would qualify to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/00/87	

Small Entity: No

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 **594-9825**

RIN: 0938-AD13

800. ● EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a)

CFR Citation: 42 CFR 417.401; 42 CFR 417.444; 42 CFR 417.446; 42 CFR 417.436; 42 CFR 417.413(e); 42 CFR 417.494(b); 42 CFR 417.482; 42 CFR 417.486; 42 CFR 417.460

Legal Deadline: None.

Abstract: This proposed rule would revise Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and a provision to terminate a contract for noncompliance pertaining to restrictions on waivers of 50 percent for Medicare enrollment; and require an HMO and CMP be responsible for prompt payments of claims. These revisions would implement provisions of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Joan Mohanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-8046**

RIN: 0938-AD14

801. ● ELIGIBILITY OF ALIENS GRANTED AMNESTY UNDER THE IMMIGRATION REFORM AND CONTROL ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 447.53

Legal Deadline: None.

Abstract: This proposed rule would revise Medicaid regulations for aliens lawfully admitted for permanent residence or permanently residing in the United States under the color of law. It would add to the regulations a new group of aliens now eligible for full Medicaid services and identify others eligible for only emergency services and pregnancy related services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-9051**

RIN: 0938-AD15

802. ● OBRA PROVISIONS; MEDICAID ELIGIBILITY GROUPS AND COVERAGE

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(a)(47); 42 USC 1396a(e); 42 USC 1396a(b)(2); 42 USC 1396a(l); 42 USC 1396a(m); 42 USC 1396a(n); 42 USC 1396b(u); 42 USC 1396d(p); 42 USC 1396d(1q); 42 USC 1396s

CFR Citation: 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None.

Abstract: These regulations would implement changes relating to Medicaid eligibility groups and coverage of services made by the Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509). P.L. 99-509 added optional eligibility groups of pregnant women and infants or children and aged and disabled individuals with incomes under the Federal nonfarm poverty line, provided for Medicaid coverage of Medicare cost-sharing expenses for qualified Medicare beneficiaries with income under the Federal nonfarm poverty line; clarified mandatory coverage of severely impaired individuals with earned incomes up to a certain level; clarified eligibility of homeless individuals; and added provisions for a presumptive eligibility period for pregnant women who meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-6050**

RIN: 0938-AD16

803. ● MEDICAID ELIGIBILITY GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a) to 1396a(b); 42 USC 1396a(f); 42 USC 1396a(l) to 1396a(n); 42 USC 1396b(e) to 1396b(f); 42 USC 1396b(u); 42 USC 1396d(a); 42 USC 1396d(n); 42 USC 1396d(p); 42 USC 1396K(a); 42 USC 1396o; 42 USC 1396s to 1396t; 42 USC 1888c; 8 USC 1255A

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This proposed rule would amend the Medicaid regulations to incorporate numerous mandatory and optional eligibility groups for Medicaid coverage: pregnant women; certain children under 5; children in adoption and foster care; certain disabled widows and widowers; and individuals with incomes up to the Federal poverty line. The rule would also provide for extended care for pregnant women after termination of pregnancy, clarify coverage of aliens and homeless individuals, and add a condition of eligibility relating to third party liability. The amendments would conform the regulations to provisions of the Consolidated Omnibus Reconciliation Act of 1985, the Omnibus Budget Reconciliation Act of 1986, the Immigration Reform and Control Act of 1986, and the Omnibus Drug Act of 1986. States have been informed that these provisions of the statute are self-implementing. In addition, manual instructions containing procedures for States to implement the requirements have been issued to States.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AD17

HHS—HCFA

Proposed Rule Stage

804. ● TRANSFER OF ASSETS

Legal Authority: 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: These regulations would implement section 132 of Pub.L. 97-248 to permit State Medicaid agencies, in determining an individual's eligibility for Medicaid, to include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value within the 24 months preceding a Medicaid application.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AD18

805. ● STANDARDS FOR ORGAN PROCUREMENT AGENCIES (OPAS)

Significance: Regulatory Program

Legal Authority: PL 99-509, Sec 9318; 42 USC 1301; 42 USC 1302; 42 USC 273

CFR Citation: Not yet determined

Legal Deadline: Statutory, October 1, 1987. The statute requires that section 1138(b) be implemented such that only certified OPAs will be eligible for Medicare or Medicaid payments for the cost of organs procured on or after October 1, 1987. This implies that a Final Rule on OPA certification must be published by October 1, 1987.

Abstract: The Omnibus Budget Reconciliation Act of 1986 (P.L. 99-509) amends Title XI of the Social Security Act by inserting a new Section 1138, "Hospital Protocols for Organ Procurement and Standards for Organ Procurement Agencies (OPAs)." Section 1138(b) specifies that an organ procurement agency may not receive Medicare or Medicaid payments unless it has been certified or recertified within the previous two years by the Secretary as conforming to the standards as described in section 371(b) of the Act. A certified OPA must be a member of and abide by the rules, medical practices and organ distribution policies of the Organ Procurement and Transplantation Network, and must meet the performance standards prescribed by the Secretary. The regulations will identify the standards and criteria to which OPAs must conform in order to be certified and the procedures to be used by the Agency in conducting certifications.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	10/01/87	

Small Entity: No

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 594-9690**

RIN: 0938-AD20

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Final Rule Stage

806. HOME HEALTH AGENCIES: FINANCIAL SECURITY REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395f(6); 42 USC 1395x(o)(7); 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(H); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1231

Legal Deadline: None.

Abstract: These regulations implement sections 930(n) and (p) of the Omnibus Reconciliation Act of 1980. The regulations require home health agencies participating in Medicare to meet conditions, including bonding or establishment of escrow accounts to ensure the financial security of the Medicare program. They exclude from Medicare reimbursement any costs incurred by an HHA in connection with bonding or establishing an escrow account and any interest payments made by an HHA that are charged on amounts borrowed to repay Medicare overpayments. The intent of these additional requirements is to assure the availability of funds to repay overpayments, and thereby ensure the financial security of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	11/25/85	50 FR 48435
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Ward Pleines, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Rm. 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-0323**

RIN: 0938-AA13

807. PAYMENTS TO INSTITUTIONS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832; 42 CFR 435.722

Legal Deadline: None.

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform). These regulations also implement a provision of Pub. L. 99-272. This provision requires that when States elect to use a special income standard for institutionalized individuals, Medicaid eligibility must begin with the first day of a period of not less than 30 consecutive days of institutionalization.

HHS—HCFA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/19/85	50 FR 10992
NPRM Comment Period End	05/20/85	
Final Action	03/00/87	

Small Entity: Yes

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AB00

808. BENEFIT PERIOD DETERMINATIONS, DRUG REGIMEN REVIEWS AND OTHER TECHNICAL CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395d; 42 USC 1395x; 42 USC 1395hh; 42 USC 1396d

CFR Citation: 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a); 42 CFR 405.704; 42 CFR 405.702

Legal Deadline: None.

Abstract: This regulation amends current regulations regarding Medicare spell of illness to create a distinction between "inpatient" and "resident" for purposes of determining whether a patient is an inpatient of an SNF. This regulation also provides for a change concerning who must perform drug regimen reviews in intermediate care facilities. Other technical changes are included to remove certain cross-references in regulations that are now outdated and unnecessary.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17997
NPRM Comment Period End	06/16/86	51 FR 17997
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB03

809. RELATIONS WITH OTHER AGENCIES, MISCELLANEOUS MEDICAID DEFINITIONS AND THIRD PARTY LIABILITY QUALITY CONTROL

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 431.800; 42 CFR 440.30

Legal Deadline: None.

Abstract: These regulations: (1) revise Medicaid policy on State payments of cost sharing amounts under Medicare Part B "buy-in" agreements; (2) revise and clarify certain Medicaid definitions; (3) remove the requirement that State plans include third party liability quality control reviews as a part of the State's Medicaid quality control system.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	49 FR 10378
NPRM Comment Period End	05/11/83	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Thomas Hoyer, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB21

810. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395f(b); 42 USC 1395f(k); 42 USC 1395l(a); PL 98-369, Sec 2308

CFR Citation: 42 CFR 413.13

Legal Deadline: None.

Abstract: This regulation eliminates application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of Pub.L. 98-369). We also eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods applicable with cost reporting periods beginning on or after the effective date of the final rule. It revises the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of Pub.L. 98-369. It also revises the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	09/18/86	51 FR 33074
NPRM Comment Period End	11/17/86	
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment & Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB29

811. REVISIONS TO MEDICAID PAYMENT FOR HOSPITAL AND LONG-TERM CARE FACILITY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30); 42 USC 1396a(a)(13); 42 USC 1396l; 42 USC 1913; PL 99-509, Sec 9433

CFR Citation: 42 CFR 447.253; 42 CFR 447.256; 42 CFR 447.257; 42 CFR 447.272; 42 CFR 447.280; 42 CFR 447.321

Legal Deadline: None.

Abstract: This regulation would make several changes to the procedural requirements for States to obtain approval of their inpatient and long-term care payment rates. It is intended that these changes would promote increased economy in the administration of the Medicaid program while retaining State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 05728
Final Rule with Comment	05/00/87	

Small Entity: No

Agency Contact: Tzvi Hefter, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Section, Room 1-A-1 ELR Bldg., 6325

Security Blvd., Baltimore, MD 21207, 301 597-1808

RIN: 0938-AB40

812. FFP FOR LTC FACILITIES AFTER TERMINATION OF PROVIDER AGREEMENT

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 442.16; 42 CFR 442.40; 42 CFR 442.42

Legal Deadline: None.

Abstract: These rules would modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42192
NPRM Comment Period End	12/17/85	50 FR 42192
Final Action	04/00/87	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: Gilda Martin, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1399

RIN: 0938-AB42

813. REVISIONS IN REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) and (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(d), (f) to (k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Legal Deadline: None.

Abstract: This proposed rule sets forth changes in several regulations containing collection of information requirements. The changes are HCFA's response to the Office of Management and Budget requirement to eliminate regulations that are overly prescriptive, duplicative, or lack practical utility. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists in independent practice; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
NPRM	02/24/86	51 FR 6429
Final Action	06/00/87	

Small Entity: No

Agency Contact: Stanley Katz, Director Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, 301 594-8561

RIN: 0938-AB46

814. INDIRECT PART B PAYMENT PROCEDURE

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.1672; 42 CFR 405.1679; 42 CFR 405.1685; 42 CFR 405.1686

Legal Deadline: None.

Abstract: This regulation implements provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23792
NPRM Comment Period End	07/31/86	51 FR 23792
Final Action	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB59

815. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(note)

CFR Citation: 42 CFR 435.135; 42 CFR 435.136

Legal Deadline: None.

Abstract: This revision to Medicaid rules provides that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation is being developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14397
NPRM Comment Period End	06/11/85	
Interim Final Rule	04/10/86	51 FR 12325
Final Action	00/00/00	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9128

RIN: 0938-AB62

816. CHANGES TO THE RETURN ON EQUITY CAPITAL PROVISIONS AND THE EXCEPTION FROM COST LIMITS FOR NEWLY ESTABLISHED HOME HEALTH AGENCIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395rr; 42 USC 1395ww

CFR Citation: 42 CFR 413.5; 42 CFR 413.157; 42 CFR 413.30

Legal Deadline: None.

Abstract: This regulation would revise the rules used to compute Medicare payment to certain providers of covered health care services as follows: (1) the allowance for a return on equity capital, which currently applies to all proprietary health care providers, will apply only to proprietary hospitals and skilled nursing facilities. Further, the allowance is reduced for skilled nursing

facilities and outpatient hospital services, is being phased out for inpatient hospital services, and is eliminated for all other providers and services; and (2) the exception to the home health agency cost limits for new agencies is eliminated. The rules pertaining to a return on equity implement the provisions enacted in section 9107 of Pub.L. 99-272.

Timetable:

Action	Date	FR Cite
NPRM	02/20/86	51 FR 6739
Final Action with Comment Period	05/00/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AB70

817. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None.

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates. It would also clarify the PPS regulations explaining the administrative and judicial review of payment amounts. In particular, this rule clarifies the effect of successful appeals of base year costs on the hospital-specific portion of the prospective payment rate.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entity: No

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6403**

RIN: 0938-AB71

818. PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d); PL 99-509, Sec 9111

CFR Citation: 42 CFR 400.310; 42 CFR 412.92

Legal Deadline: None.

Abstract: This final rule changes Medicare prospective payment regulations for inpatient hospital services to allow an adjustment to the payment amounts under the prospective payment system for sole community hospitals that experience a significant increase in inpatient operating costs attributable to the addition of new inpatient services or facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8211
NPRM Comment Period End	04/09/86	51 FR 8211
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AB72

819. CONDITIONS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 435; 42 CFR 442

Legal Deadline: None.

Abstract: This rule revises the format and content of the standards for intermediate care facilities for the mentally retarded and persons with related conditions (ICFs/MR). The new format will be that of "conditions of participation" and will make the regulations for ICFs/MR consistent with the organization of the Medicare and Medicaid regulations for skilled nursing facilities. Revisions to the content of the regulations are intended to shift the focus away from facility-oriented requirements to client-oriented requirements. Thus, the rule is designed to increase the focus on the provision of active treatment services for clients, clarify Federal requirements, and maintain essential client protection.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	51 FR 7520
NPRM Comment Period End	05/05/86	51 FR 7520
Final Action	05/00/87	

Small Entity: Yes

Agency Contact: Samuel Kidder, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 429 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938-AB76

820. REVISION OF MEDICAID DRUG REIMBURSEMENT REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.433; 42 CFR 447; 45 CFR 1.2; 45 CFR 19

Legal Deadline: None.

Abstract: This rule will revise the method for setting limits on Federal matching payments under Medicaid for drugs. It will enable the Federal and State governments to take advantage of savings that are currently available in the marketplace for multiple source drugs. It also will maintain State flexibility in the administration of the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	08/19/86	51 FR 29560
NPRM Comment Period End	10/20/86	
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Anthony Lovecchio, Director, Division of Alternative Reimbursement Systems, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3 East Low Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, 301 594-4010

RIN: 0938-AB97

821. MEDICAID PROGRAM; COVERAGE OF QUALIFIED PREGNANT WOMEN AND CHILDREN AND NEWBORN CHILDREN

Legal Authority: 42 USC 1396a(a)(10)(A)(i)(III); 42 USC 1396a(e)(4); 42 USC 1396; 42 USC 1396d(n)

CFR Citation: 42 CFR 435.3; 42 CFR 435.115; 42 CFR 435.116; 42 CFR 435.117; 42 CFR 435.301; 42 CFR 436.2; 42 CFR 436.114; 42 CFR 436.120; 42 CFR 436.122; 42 CFR 436.301

Legal Deadline: None.

Abstract: The final rule amends the Medicaid regulations to incorporate two mandatory eligibility groups of individuals for Medicaid coverage: (1) qualified pregnant women and certain children under age 5; and (2) newborn children of Medicaid-eligible women. These amendments conform the regulations to statutory changes made under the Deficit Reduction Act of 1984 and the Consolidated Omnibus Reconciliation Act of 1985. States have been informed that these provisions of the statute are self-implementing. In addition, manual instructions containing procedures for States to implement the requirements have been issued to States.

Timetable:

Action	Date	FR Cite
NPRM	11/21/85	50 FR 48102
NPRM Comment Period End	01/21/86	
Final Rule with Comment	05/00/87	

Small Entity: No

Agency Contact: Richard Strauss, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Office of Eligibility Policy, Rm. 448, EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-6529

RIN: 0938-AC02

822. REASONABLE CHARGE LIMITATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395u(b)(8)

CFR Citation: 42 CFR 405.502

Legal Deadline: None.

Abstract: This rule revises the regulations concerning special reasonable charge limits for Part B Services. It will conform the regulations to section 9333 of the Omnibus Budget Reconciliation Act of 1986 that specifies changes to the procedures for establishing special reasonable charge limits.

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 5726
Final Action with Comment Period	08/11/86	51 FR 28710
Final Action Comment Period End	10/10/86	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Bernard Patashnik, Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AC08

823. LOWEST CHARGE LEVELS (LCL) FOR MEDICAL SERVICES, SUPPLIES AND EQUIPMENT

Significance: Regulatory Program

Legal Authority: 42 USC 1395u

CFR Citation: 42 CFR 405.511

Legal Deadline: None.

Abstract: Medicare Part B payments for medical services, supplies, and equipment that do not generally vary significantly in quality from one supplier to another must be based on a reasonable charge that does not exceed the lowest charge level (LCL) at which the items or services are widely and consistently available in a locality. This notice identifies supplies and equipment that do not vary widely in quality and set the reasonable charges for those items at the LCL.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/15/86	51 FR 29310
Final Notice	03/00/87	51 FR 29310

Small Entity: Yes

Agency Contact: Bernard Patashnik, Director, Division of Med. Svcs. Reimb., Department of Health and Human Services, Health Care Financing Administration, 1-H-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AC16

824. LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(l)

CFR Citation: 42 CFR 416.65

Legal Deadline: Statutory, April 21, 1987.

Abstract: Medicare coverage is available for facility services furnished in connection with certain surgical procedures performed in an ambulatory surgical center, (ASC). This final notice contains changes to the list of covered ASC procedures that were made as a result of our consideration of the public comments received in response to a proposed notice published February 16, 1984.

Timetable:

Action	Date	FR Cite
Final Notice	04/00/87	

Small Entity: Yes

Agency Contact: Stan Katz, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 489 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 594-8561

RIN: 0938-AC21

825. ENROLLMENT PROVISIONS CONCERNING HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417.428; 42 CFR 417.440; 42 CFR 417.450; 42 CFR 417.460

Legal Deadline: None.

Abstract: This rule will 1) clarify the financial responsibility of health maintenance organizations and competitive medical plans for inpatient stays in hospitals paid under the prospective payment system when the patient begins or ends enrollment in the organization during a hospital stay;and 2) eliminate the one full calendar month between a request to disenroll and the effective date of the disenrollment, and require a written explanation to disenrolling beneficiaries of exactly when their enrollment ends.

Timetable:

Action	Date	FR Cite
Final with comment	03/20/87	52 FR 8898
Comment Closed	05/19/87	

Small Entity: Undetermined

Agency Contact: Rita McGrath, Chief, Alternative Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 463 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-6719**

RIN: 0938-AC44

826. APPLICATION FEES FOR HEALTH MAINTENANCE ORGANIZATIONS (HMOS)

Significance: Regulatory Program

Legal Authority: 31 USC 9701

CFR Citation: 42 CFR 110.604, (revised); 42 CFR 110.101; 42 CFR 417.406; 42 CFR 417.407; 42 CFR 417.494; 42 CFR 434.2

Legal Deadline: None.

Abstract: The proposed regulation provided for charging an application fee for each of the following: (1) an entity that seeks qualification as a Federal Health Maintenance Organization or certification as a Competitive Medical Plan; (2) a Federal Health Maintenance Organization that seeks expansion of its service area or qualification of a regional component; (3) a Competitive Medical Plan that seeks expansion of its geographic area. These fees would help offset the costs to the Federal Government incurred in these determinations. After considering public comments, a final rule will be developed and published.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30518
NPRM Comment Period End	09/26/86	51 FR 30518
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Cynthia Trower, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360- HHS North Bldg., 330 Independence Ave., SW, Washington, DC 20201, **202 245-0787**

RIN: 0938-AC46

827. CORRECTION AND REDUCTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Legal Authority: 42 USC 1302; 42 USC 1396r

CFR Citation: 42 CFR 442.1; 42 CFR 442.2; 42 CFR 442.105; 42 CFR 442.110; 42 CFR 442.111; 42 CFR 442.112; 42 CFR 442.113; 42 CFR 442.114; 42 CFR 442.115; 42 CFR 442.116

Legal Deadline: None.

Abstract: These final regulations provide States additional options under which an ICF/MR found to have substantial deficiencies that do not pose an immediate threat to the clients' health and safety may remedy those deficiencies. The regulations provide the State Medicaid agency with options to submit written plans either to correct the necessary staff and physical plant deficiencies, and all other deficiencies, within 6 months of the approval date of the plan, or to reduce permanently the number of beds in certified units within 36 months of the approval date of the plan. These regulations are necessary to implement section 9516 of P.L. 99-272.

Timetable:

Action	Date	FR Cite
NPRM	07/25/86	51 FR 26718
NPRM Comment Period End	08/25/86	51 FR 26718
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Mary Pratt, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Health Standards and Quality Bureau, Rm. 2-D-2 ME. 6300 Security Blvd., Baltimore, MD 21207, **301 594-0005**

RIN: 0938-AC51

828. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS (EFFECTIVE 10/01/87)

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1987. The proposed limits retain the same methodology and essentially the same provisions as in the current limits; however, the most recent SNF cost data will be used for calculating the limits, as well as the most recent projections of the rates of increases in the costs included in the SNF market basket.

Timetable:

Action	Date	FR Cite
Final Notice	08/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AC54

829. MEDICARE PROGRAM: SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1987

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)

CFR Citation: 42 CFR 413.30

Legal Deadline: None.

Abstract: This notice will set forth a schedule of limits on home health agency (HHA) costs that may be

reimbursed under the Medicare program. The limits in this notice will apply to HHA costs for entire cost reporting periods beginning on or after July 1, 1987.

Timetable:

Action	Date	FR Cite
Final Action	06/01/87	
Final Action Effective	07/01/87	

Small Entity: Yes

Agency Contact: **William J. Goeller,** Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AC56

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830. MEDICARE NOTICE OF GENERAL STATEMENT OF POLICY - PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp; PL 99-272, Sec 9126(c); PL 99-272, Sec 9205; PL 99-509, Sec 9305(f); PL 99-509, Sec 9305(g)

CFR Citation: 42 CFR 405.332; 42 CFR 405.334; 42 CFR 405.336

Legal Deadline: None.

Abstract: The purpose of this notice is to inform the public that P.L. 99-272 provides for the use of an administrative mechanism, commonly known as the favorable presumption, for skilled nursing facilities and home health agencies during a limited period of time. This means that the decision to make or deny payment for some noncovered services will be made with the use of a presumption as to whether the skilled nursing facility or home health agency did not know or could not be expected to know that furnished services were noncovered. In addition, this notice should inform the public that PL 99-509 extends both the limitation of liability provision and the use of the favorable presumption to: (1) hospices and (2) services furnished by home health agencies that are not covered because the individual was not confined to his or her home or did not need skilled nursing care on an intermittent basis.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entity: Yes

Agency Contact: **Denis M. Garrison,** Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Entitlement Branch, Rm. 357 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9435**

RIN: 0938-AC61

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831. APPEALS FROM DETERMINATIONS THAT AFFECT PARTICIPATION IN MEDICARE

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395ff(c)

CFR Citation: 42 CFR 405; 42 CFR 420; 42 CFR 498

Legal Deadline: None.

Abstract: These rules update and clarify policy on appeals from determinations that affect the participation of providers, suppliers and practitioners in the Medicare program. The rules pertain to appeal rights and procedures for providers, suppliers and practitioners dissatisfied with determinations.

Timetable:

Action	Date	FR Cite
Final with comment	04/00/87	

Small Entity: Yes

Agency Contact: **Luisa V. Iglesias,** Technical Assistant, BERC Regulations Staff, Department of Health and Human Services, Health Care Financing Administration, Room 4230 North Bldg., 300 Independence Ave., SW, Washington, DC 20201, **202 245-0383**

RIN: 0938-AC65

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832. ● REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

Legal Authority: 42 USC 1396b(d)

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Legal Deadline: None.

Abstract: These regulations specify the requirements and procedures under which States are allowed 60 days following the date of discovery of an overpayment to a Medicaid provider to recover or attempt to recover the overpayment before the Federal share must be credited to HCFA. The Federal Government will share in any overpayments that the State documents it is unable to recover because the debts of the provider have been discharged in bankruptcy or the provider is out-of-business. The regulations, which implement section 9512 of the Consolidated Omnibus Budget Reconciliation Act of 1986, are intended to aid in recovering improperly spent Federal funds expeditiously.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	06/00/87	

Small Entity: No

Agency Contact: **David Greenberg,** Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 300 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 594-6229**

RIN: 0938-AC83

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833. ● ENTITIES PERFORMING QUALITY OF CARE REVIEW OF SERVICES PROVIDED BY RISK-BASIS HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS

Legal Authority: 42 USC 1302; 42 USC 1320c-3(a)(4); 42 USC 1320c-9

CFR Citation: 42 CFR 466.70; 42 CFR 466.71; 42 CFR 466.72; 42 CFR 466.73

Legal Deadline: Statutory.

Abstract: This rule amends the regulations describing the responsibilities of Utilization and Quality Control Peer Review Organizations (PROs) to include among those responsibilities the review of the quality of care provided by risk-basis health maintenance organizations (HMOs) and competitive medical plans (CMPs). This rule also provides for this same review by non-PRO entities, as permitted under section 1154(a)(4)(C) of the Social Security Act, and identifies

the regulations that would apply to these entities.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	
Final Action with Comment Period	04/01/87	

Small Entity: Undetermined

Agency Contact: Mike Rappoport, Chief, Quality Review Branch, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-3982**

RIN: 0938-AC85

834. ● MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 01/01/88)

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None.

Abstract: This notice sets forth the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Notice	10/00/87	

Small Entity: Not Applicable

Agency Contact: Ross H. Arnett III, Chief, Economic and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, L-1, 1705 Equitable Building, 6325 Security Blvd., Baltimore, MD 21207, **301 594-6714**

RIN: 0938-AC91

835. ● PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/88

Legal Authority: 42 USC 1395i-2(d)(2)

CFR Citation: 42 CFR 405.106

Legal Deadline: None.

Abstract: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning January 1, 1988.

Timetable:

Action	Date	FR Cite
Notice	09/30/87	

Small Entity: Not Applicable

Agency Contact: Solomon Mussey, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, M-1 1705 Equitable Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-2829**

RIN: 0938-AC93

836. ● PERIODIC INTERIM PAYMENTS FOR HOSPITALS

Legal Authority: 42 USC 1395g

CFR Citation: 42 CFR 413.60

Legal Deadline: Statutory, July 1, 1987.

Abstract: These regulations would implement provisions of section 9311 of PL. 99-509, which deals with payment of periodic interim payments (PIPs) to providers. This legislation eliminates PIP for prospective payment hospitals except for certain hospitals that serve a disproportionate share of low-income patients and hospitals with 100 or fewer beds that are located in a rural area. Hospitals that are excluded from the prospective payment system, hospitals receiving payment under a State reimbursement control system that incorporates payment on a PIP-basis and all other providers may continue to elect PIP payments. In addition, the legislation provides that a prospective payment hospital may continue to receive PIP payments until its fiscal intermediary demonstrates that it has complied with prompt payment requirements for at least three consecutive months. If at any time the intermediary fails to meet these requirements for three consecutive months, the hospital may again request PIP.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	07/01/87	

Small Entity: Yes

Agency Contact: William Goeller, Director, Div. of Payment & Reporting Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1802**

RIN: 0938-AC96

837. ● PAYMENTS FOR LARGE RURAL HOSPITALS THAT SERVE A DISPROPORTIONATE SHARE OF LOW-INCOME PATIENTS

Legal Authority: 42 USC 1395ww(d)(5)(F)

CFR Citation: 42 CFR 412.63; 42 CFR 412.106; 42 CFR 412.118

Legal Deadline: Statutory, October 1, 1986.

Abstract: We would amend the Medicare regulations concerning prospective payments for large rural hospitals that serve a disproportionate share of low-income patients. The payment adjustment factor for a hospital that meets the criteria as a rural disproportionate share hospital of 500 beds or more would be calculated as the lesser of 15 percent or 2.5 percent plus one-half the difference between the hospital's disproportionate patient percentage and 15 percent.

Timetable:

Action	Date	FR Cite
Final Action with Comment Period	04/00/87	

Small Entity: No

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AD05

838. ● SUPPLEMENTARY MEDICAL INSURANCE PREMIUMS

Legal Authority: 42 USC 1395r; 42 USC 1395s

CFR Citation: 42 CFR 405; 42 CFR 408

Legal Deadline: None.

Abstract: These rules amend Medicare regulations that deal with supplementary medical insurance premiums to conform them to changes made in the Medicare law since those regulations were last published.

HHS—HCFA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	
Final Action with Comment Period	00/00/00	

Small Entity: No

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 4230 North Bldg., 300 Independence Ave., SW, Washington, DC 20201, 202 245-0383

RIN: 0938-AD19

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

839. ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED OR FOR CANCELLED (VOIDED) MEDICAID CHECKS

CFR Citation: 45 CFR 201.5; 42 CFR 433.40; 42 CFR 430.0

Completed:

Reason	Date	FR Cite
Final Action	10/09/86	51 FR 36225
Final Action Effective	11/10/86	51 FR 36225

Small Entity: No

Agency Contact: David McNally 301 597-1398

RIN: 0938-AB35

840. HOSPICE "CORE" SERVICES; NURSING

CFR Citation: 42 CFR 418.80; 42 CFR 418.83

Completed:

Reason	Date	FR Cite
Final Action	03/11/87	52 FR 07412
Final Action Effective	04/10/87	

Small Entity: No

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938-AB58

841. MEDICAID: IDENTIFICATION OF THIRD PARTY LIABILITY RESOURCES FOR MEDICAL ASSISTANCE

Significance: Regulatory Program

CFR Citation: 42 CFR 433.138; 42 CFR 431.305; 42 CFR 431.306

Completed:

Reason	Date	FR Cite
Final Action	02/27/87	52 FR 05967
Final Action Effective	05/28/87	52 FR 05967

Small Entity: No

Agency Contact: John Van Walker 301 597-3447

RIN: 0938-AB88

842. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE

Significance: Agency Priority

CFR Citation: 42 CFR 405.457

Completed:

Reason	Date	FR Cite
Final Action	03/27/87	52 FR 9833
Final Action Effective	05/01/86	

Small Entity: Yes

Agency Contact: Paul Trimble 301 594-8640

RIN: 0938-AC00

843. DETERMINATION OF REASONABLE CHARGES FOR PHYSICIAN AND OTHER MEDICAL SERVICES

CFR Citation: 42 CFR 405.501; 42 CFR 405.504; 42 CFR 405.551; 42 CFR 405.509; 42 CFR 405.511

Completed:

Reason	Date	FR Cite
Final Action	10/01/86	51 FR 34975
Final Action Effective	10/01/86	51 FR 34975

Small Entity: No

Agency Contact: Bernard Patashnik 301 397-1334

RIN: 0938-AC04

844. MISCELLANEOUS CONFORMING AMENDMENTS

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 421; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	11/14/86	51 FR 41332
Final Action Effective	12/15/86	51 FR 41332

Small Entity: No

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938-AC06

845. PROCESSING OF CLAIMS BY ELECTRONIC MEANS AS A CONDITION OF QUALIFICATION FOR THE PERIODIC INTERIM PAYMENT METHOD OF REIMBURSEMENT

CFR Citation: 42 CFR 405.454

Completed:

Reason	Date	FR Cite
Withdrawn Pub. of reg. & OBRA 86 provisions negates need	09/23/86	

Small Entity: Yes

Agency Contact: Dan Baker 301 594-5415

RIN: 0938-AC09

846. CHANGES TO THE CRITERIA FOR DETERMINING REASONABLE CHARGES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.514; 42 CFR 405.551(e)

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 06148
Final Action Effective	04/01/87	52 FR 06148

Small Entity: No

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938-AC14

847. SECOND SURGICAL OPINION REQUIREMENT FOR MEDICAID RECIPIENTS

Significance: Regulatory Program

CFR Citation: 42 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation Act of 1986 makes unnecessary	02/27/87	

Small Entity: Yes

Agency Contact: Thomas Hoyer 301 594-9446

RIN: 0938-AC19

848. MEDICARE ECONOMIC INDEX FOR REASONABLE CHARGES (EFFECTIVE 01/01/87)

Significance: Agency Priority

CFR Citation: 42 CFR 405.504

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 42007

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938-AC29

849. COST LIMITS FOR HOSPITAL MEDICARE PART B CLINICAL LABORATORY SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 405, Subpart D

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation Act of 1986 makes unnecessary	02/27/87	

Small Entity: Yes

Agency Contact: John Rogers 301 597-2799

RIN: 0938-AC30

850. PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

CFR Citation: 42 CFR 408.22

Completed:

Reason	Date	FR Cite
Final Action	10/01/86	51 FR 35053
Final Action Effective	01/01/87	51 FR 35053

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938-AC32

851. PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/87

Significance: Agency Priority

CFR Citation: 42 CFR 405.902

Completed:

Reason	Date	FR Cite
Final Action	10/02/86	51 FR 35291
Final Action Effective	01/01/87	51 FR 35291

Small Entity: Not Applicable

Agency Contact: Solomon Mussey 301 594-2829

RIN: 0938-AC34

852. MEDICARE ECONOMIC INDEX

Significance: Regulatory Program

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn with enactment of Omnibus Reconciliation Act of 1986	02/27/87	

Small Entity: Yes

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938-AC35

853. REASONABLE CHARGE PAYMENT LIMITS FOR CATARACT EXTRACTIONS WITH INTRAOCULAR LENS IMPLANTS

Significance: Agency Priority

CFR Citation: 42 CFR 405.502(g)

Completed:

Reason	Date	FR Cite
Withdrawn Per Omnibus Budget Reconciliation Act of 1986.	10/21/86	

Small Entity: Yes

Agency Contact: Kenneth Marsalek 301 594-1115

RIN: 0938-AC41

854. REASONABLE CHARGE PAYMENT LIMITS FOR ANESTHESIA SERVICES

Significance: Agency Priority

CFR Citation: 42 CFR 405.502(g)

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35693
Final Action Effective	01/01/87	51 FR 35693

Small Entity: Yes

Agency Contact: Bernard Patashnik 301 597-1334

RIN: 0938-AC42

855. REDESIGNATION OF REASONABLE COST REGULATIONS

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 420; 42 CFR 421; 42 CFR 447; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34790
Final Action Effective	10/01/86	51 FR 34790

Small Entity: No

Agency Contact: Sue B. Brown 301 594-9630

RIN: 0938-AC43

856. MEDICARE AND MEDICAID: INFORMATION ON THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	10/23/86	51 FR 37652

Small Entity: Not Applicable

HHS—HCFA **Completed Actions**

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938-AC47

857. PAYMENT TO HOSPICES

CFR Citation: 42 CFR 418.309

Completed:

Reason	Date	FR Cite
Final Action	10/08/86	51 FR 36066

Small Entity: No

Agency Contact: Anthony Lovecchio 301 594-4010

RIN: 0938-AC50

858. CRITERIA FOR MEDICARE COVERAGE OF HEART TRANSPLANTS

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	04/06/87	52 FR 10935

Small Entity: Yes

Agency Contact: Barton McCann, M.D. 301 594-9370

RIN: 0938-AC53

859. PREADMISSION REVIEW FOR NON-EMERGENCY ADMISSIONS TO HOSPITALS PARTICIPATING IN THE MEDICAID PROGRAM

Significance: Agency Priority

CFR Citation: 42 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn Omnibus Budget Reconciliation provisions make unnecessary	02/27/87	

Small Entity: Undetermined

Agency Contact: Arleen Ford 301 594-9442

RIN: 0938-AC60

860. REMOVAL OF OBSOLETE REGULATIONS; PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 412; 42 CFR 420; 42 CFR 421; 42 CFR 455; 42 CFR 456; 42 CFR 460; 42 CFR 462; 42 CFR 463; 42 CFR 473; 42 CFR 476; 42 CFR 478

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43195
Final Action Effective	12/01/86	51 FR 43195

Small Entity: Not Applicable

Agency Contact: Mary Kay Terry 301 594-7910

RIN: 0938-AC62

861. PROGRAM INTEGRITY AMENDMENTS

CFR Citation: 42 CFR 412; 42 CFR 420; 42 CFR 455; 42 CFR 466; 42 CFR 474; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34786
Final Action Effective	09/30/86	51 FR 34786

Small Entity: Not Applicable

Agency Contact: Luisa V. Iglesias 202 245-0383

RIN: 0938-AC63

862. MEDICAID MANAGEMENT INFORMATION SYSTEM: WAIVER OF REDUCTION OF FEDERAL FINANCIAL PARTICIPATION

CFR Citation: 42 CFR 433.131

Completed:

Reason	Date	FR Cite
Final Action	01/16/87	52 FR 01971
Final Action Effective	02/17/87	52 FR 01971

Small Entity: Undetermined

Agency Contact: Wes Baker 301 594-9151

RIN: 0938-AC66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Family Support Administration (FSA)

Prerule Stage

863. ● SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 606

CFR Citation: 45 CFR 233.20(a)(2); 45 CFR 233.20(a)(2)(V); 45 CFR 233.120(b)(3)

Legal Deadline: None.

Abstract: This proposed rule would clarify certain provisions in the Aid to Families with Dependent Children program under title IV-A of the Social Security Act. This clarification is being issued in order to prevent Federal funds from being used to provide a separate standard of need based on the type of housing in which an AFDC family resides and to prevent Emergency Assistance funds from being used to meet ongoing needs.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	
NPRM	07/15/87	

Small Entity: No

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, 2100 Second Street, SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA00

HHS—FSA **Prerule Stage**

864. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM -- QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248; PL 96-123

CFR Citation: 45 CFR 205.42; 45 CFR 205.44

Legal Deadline: None.

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA11

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage
Family Support Administration (FSA)

865. ● CASH ASSISTANCE, MEDICAL ASSISTANCE, AND STATE ADMINISTRATIVE COSTS FOR ASSISTANCE PROVIDED TO REFUGEES

Significance: Agency Priority

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This NPRM will provide special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) for the 12-month period beginning with the first month a refugee entered the United States. The regulation will define the reasonable State administrative cost of providing cash and medical assistance to refugees as the lowest of: (a) The State's administrative cost (expressed as a percent of total assistance cost) under its program of aid to families with dependent children (AFDC); or (b) the national mean average percentage cost under the AFDC program; or (c) the actual identifiable administrative cost of providing assistance to refugees.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	
NPRM Comment Period End	06/15/87	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Office of Refugee Resettlement, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, **202 245-1027**

RIN: 0970-AA01

866. ● CHILD SUPPORT ENFORCEMENT PROGRAM; QUARTERLY REPORTING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 652; 42 USC 654

CFR Citation: 45 CFR 301; 45 CFR 304

Legal Deadline: None.

Abstract: This proposed rule amends program regulations governing State Reporting requirements by deleting outdated references and by requiring more expeditious reporting to the Office of Child Support Enforcement by State IV-D agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Family Support Administration, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0970-AA02

867. AID TO FAMILIES WITH DEPENDENT CHILDREN; TREATMENT OF UTILITY PAYMENTS BY APPLICANT OR RECIPIENTS LIVING IN CERTAIN FEDERALLY ASSISTANCE HOUSING

Legal Authority: PL 98-181; 42 USC 602; 42 USC 1302; PL 98-497, Sec 102

CFR Citation: 45 CFR 233

Legal Deadline: None.

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay utilities but no rent to landlord will have their utility payment considered rent by a State IV-A agency in computing the Aid to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA05

868. REGULATIONS TO ENHANCE CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

HHS—FSA **Proposed Rule Stage**

Legal Authority: 42 USC 1302; Sec. 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.38; 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a)(13); 45 CFR 205.52; 45 CFR 233.20(a)(3)(iii)(D); 45 CFR 233.20(a)(3)(iii); 45 CFR 233.35(a)

Legal Deadline: None.

Abstract: We are seeking ways to develop greater consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. We are particularly interested in how we can make similar requirements in the two programs identical and streamline processes. The aim is to improve and simplify program administration and ease the burden placed upon the individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	03/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA08

869. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 603; 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Legal Deadline: None.

Abstract: The proposed rule will organize and codify those administrative changes which will better target program resources, reduce administrative cost, or increase State flexibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage
Family Support Administration (FSA)

870. ● RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARS

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None.

Abstract: This interim final rule requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/87	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Susan Corriveau, Program Specialist, Department of Health and Human Services, Family Support Administration, 6110 Executive Boulevard, Rockville, Maryland 20852, **301 443-5350**

RIN: 0970-AA03

871. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40

Legal Deadline: None.

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal requirements when a State plan is not amended to reflect new Federal rules, or when a State plan is submitted which is inconsistent with Federal rules and has not yet been disapproved.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administration, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-3290**

RIN: 0970-AA04

872. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 205.50; 45 CFR 206.10; 45 CFR 233.52; 45 CFR 239; 45 CFR 233.20; 45 CFR 233.31; 45 CFR 233.51; 45 CFR 233.38; 45 CFR 234.60; 45 CFR 238; 45 CFR 240.22; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None.

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/87	

Small Entity: No

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Family Support Administation, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA06

873. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233; 42 CFR 435; 42 CFR 436

Legal Deadline: None.

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of an overpayment, or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$30 million, FY 1986--$45 million, FY 1987--$50 million, and FY 1988--$55 million.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	
Final Action Effective	12/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Natalie Dethloff, Director, Division of Policy, OFA, Department of Health and Human Services, Family Support Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, 202 245-3290

RIN: 0970-AA07

874. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SUPPORT SERVICES

Significance: Regulatory Program

Legal Authority: 8 USC 1522(a)(9)

CFR Citation: 45 CFR 400

Legal Deadline: None.

Abstract: This regulation will establish requirements governing refugee cash assistance; job search, employability services, and employment on the part of applicants for, and recipients of, refugee cash assistance; refugee medical assistance; and refugee support (social) services.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	51 FR 03918
NPRM Comment Period End	04/30/86	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Philip A. Holman, Director, Div. of Policy & Analysis, Department of Health and Human Services, Family Support Administration, Rm 1229, 330 C Street, SW, Washington, DC 20201, 202 245-1027

RIN: 0970-AA10

[FR Doc. 87-7123 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-87-1680]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

DATED: February 25, 1987.

Carolyn B. Lieberman,

Deputy General Counsel (Operations).

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
875	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

HUD

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
876	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
877	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
878	24 CFR 28 Administrative Remedies for False Claims and Statements (S-2-87; FR-2310)	2501-AA58
879	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
880	24 CFR 50 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
881	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
882	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance Loan and Grant Programs (CPD-74-84; FR-2007)	2501-AA59
883	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-13-86; FR-2316)	2501-AA39
884	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (S-5-86; FR-2211)	2501-AA40

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
885	24 CFR 00 Standards of Conduct (S-5-85; FR-2146)	2501-AA31
886	24 CFR 15 Testimony, Production and Disclosure of Material or Information by HUD Employees (S-17-86; FR-2273)	2501-AA51
887	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
888	24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
889	24 CFR 14 Implementation of the Equal Access to Justice Act in Administrative Proceedings (S-2-86; FR-2156)	2501-AA44
890	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
891	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-86; FR-1588)	2501-AA56
892	24 CFR 0813.106 Amendments to Definition of Income (S-12-86; FR-2184)	2501-AA46

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
893	24 CFR 17 Implementation of the Interest Provisions of the Debt Collection Act of 1982 (S-9-84; FR-2022)	2501-AA24
894	24 CFR 17 Tax Refund Deduction Program (S-2-85; FR-2092)	2501-AA52
895	24 CFR 35.24 Lead-Based Paint Hazard Elimination in FHA Single Family, Multifamily, Sec. 8 Hsg Assistance Payments for Sub Rehab, & Sec. 8 Existing Hsg Cert. & Moderate Rehab (S-19-86; FR-2223)	2501-AA53
896	24 CFR 35.3 Lead-Based Paint Hazard Elimination in CDBG, UDAG, Secretary's Fund, Sec. 312 Rehab. Loan, Rental Rehab., and Urban Homesteading Programs (S-15-86; FR-2243)	2501-AA54
897	24 CFR 842 Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped (S-8-86; FR-1936)	2501-AA35

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
898	24 CFR 203 FHA Single Family Borrower Eligibility (H-12-87)	2502-AD94
899	24 CFR 203 Penalties for Mortgagees Conveying Properties with Title Defects (H-16-87)	2502-AD97
900	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
901	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
902	24 CFR 3280 Notice Requesting a Private Organization to Develop and Maintain the Federal Manufactured Home Construction and Safety Standards (H-9-87; FR-2271)	2502-AD85

HUD

Office of Housing—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
903	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR2327)	2502-AE06
904	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
905	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
906	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85)	2502-AD01
907	24 CFR 0200 Definition of Master Conditional Commitment (H-15-86; FR 2123)	2502-AD48
908	24 CFR 200 Minimum Property Standards (MPS) for Housing -- Water Supply Systems (H-31-86; FR-2255)	2502-AD64
909	24 CFR 200 Issuance of FHA Debentures (H-36-86; FR-2268)	2502-AD68
910	24 CFR 200.163 Direct Endorsement Underwriter's Certification (H-29-86; FR-2241)	2502-AD71
911	24 CFR 200 Use of Material Bulletin used in HUD Bldg. Product Standards and Certification Program for Mat-Formed Particleboard Sheathing Panels(H-7-87; FR-2322)	2502-AD92
912	24 CFR 200 Revision of Use of Materials Bulletin used in the HUD Bldg. Product Standard and Certification Program (H-4-87; FR2308)	2502-AE04
913	24 CFR 200.935 Rev. of UMB 44d to allow the Use of Carpet in Bathrooms & Kitchens Over a Concrete-Masonery Flooring System and a New Classification System for Carpet (H-20-87)	2502-AE07
914	24 CFR 0201 Miscellaneous Amendments to Part 201--Property Improvement and Manufactured Home Loans (FR-2171; H-4-86)	2502-AD37
915	24 CFR 201.54 Filing Period for Resubmission of Denied Claims (H-43-86)	2502-AD80
916	24 CFR 203 One-Time Mortgage Insurance Premium for Non-Mutual Fund - Single Family Insurance Program (H-40-84; FR-1930)	2502-AC35
917	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
918	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
919	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
920	24 CFR 203 Single Family Foreclosures--Deficiency Judgements (H-6-86; FR-2193)	2502-AD38
921	24 CFR 203 Elimination of Closing Costs as an Item Eligible for Inclusion as Part of an FHA Insured Single Family Mortgage (H-10-86; FR-2203)	2502-AD39
922	24 CFR 203.43 Refinancing of Existing HUD-Insured Mortgages (H-8-86; FR-2197)	2502-AD41
923	24 CFR 0203 Single Family Claim Settlements - Waivers of Amounts due Mortgagees or HUD of $50 or Less (H-11-86; FR-2204)	2502-AD50
924	24 CFR 203 Termination of Section 245(b) GPM Program (H-34-86; FR-2266)	2502-AD63
925	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
926	24 CFR 203 Types of Satisfactory Title Evidence (H-48-86)	2502-AD83
927	24 CFR 203 Elimination of Prohibition on the Payment of Fees to Third Parties in Multifamily Insurance Mortgage Transaction (H-5-87; FR-2314)	2502-AD90
928	24 CFR 203 Single Family Mortgage Insurance Premium (H-11-87)	2502-AD93
929	24 CFR 203 Deregulation of Post-Endorsement and Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333)	2502-AD98
930	24 CFR 203 Single Family Downpayment Requirements (H-17-87; FR-2334)	2502-AD99
931	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
932	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
933	24 CFR 215 Preference in the Provision of Housing for Families Who Are Occupying Substandard Housing, Are Involuntarily Displaced, or Are Paying More Than 50% of Family Income (H-22-80; FR-1597)	2502-AA34
934	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
935	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
936	24 CFR 235.361 Recovery of Section 235 Assistance Payments (H-18-86)	2502-AD45
937	24 CFR 252 Coinsurance for Nursing Homes and Intermediate Care Facilities (H-32-86; FR-2256)	2502-AD74
938	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
939	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
940	24 CFR 882 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD95
941	24 CFR 882 Section 8 Housing Assistance Payments Programs-- Miscellaneous Amendments (H-19-87; FR-2335)	2502-AE00
942	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03

HUD

Office of Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
943	24 CFR 247 Revisions to Part 886 Termination of Tenancy (H-59-84; FR-1950)	2502-AC59
944	24 CFR 886 Provision of Section 8 Existing Housing Assistance for Projects at Foreclosure Sales (H-3-86; FR-2158)	2502-AD43
945	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
946	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
947	24 CFR 1710 Exemption from Interstate Land Sales Registration (H-47-86)	2502-AD81
948	24 CFR 3280 Manufactured Home Construction and Safety Standards - Deregulatory Proposals (H-39-86; FR-2277)	2502-AD59
949	24 CFR 3280 Manufactured Home Construction and Safety Standards - Thermal Energy Standards Deregulation (H-42-86; FR-2280)	2502-AD62
950	24 CFR 3280.504 Part 3280 - Interpretative Bulletin on the Vapor Barrier Requirements of 24 CFR 3280.504 (H-46-86; FR-2285)	2502-AD82
951	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
952	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
953	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
954	24 CFR 200 Lead Standards in Water Piping - Subpart S - MPS (H-1-87; FR2290)	2502-AE03
955	24 CFR 200 Manufactured Home Construction and Safety Standards for Lead in Water Piping (H-3-87; FR2296)	2502-AE05
956	24 CFR 203 Conveyance of One- to Four-Family Properties Occupied by Tenants or Former Mortgagors (H-9-85; FR-2064)	2502-AB10
957	24 CFR 203.49 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
958	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
959	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
960	24 CFR 0207.32a Eligibility of Mortgages on Existing Properties - Inspection Fees (H-20-86; FR-2224)	2502-AD47
961	24 CFR 0207 Requirements for Insurance of Leaseholds on Multifamily Mortgages (H-22-86; FR-2222)	2502-AD53
962	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
963	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
964	24 CFR 241 Additional Revisions - Hospital Insurance (H-24-86; FR-2227)	2502-AD70
965	24 CFR 255 Technical Revisions - Coinsurance for the Purchase or Refinancing of Multifamily Housing Projects (H-35-86; FR-2267)	2502-AD73
966	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
967	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
968	24 CFR 880 Shared Housing in the Section 8 New Construction and Substantial Rehabilitation Programs (H-27-86; FR-2239)	2502-AD67
969	24 CFR 882.101 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
970	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
971	24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
972	24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
973	24 CFR 887 Section 8 Housing Assistance Payments Program - Housing Vouchers (H-42-85; FR-2170)	2502-AD26
974	24 CFR 3280 Manufactured Home Construction and Safety Standards - General (H-33-86; FR-2276)	2502-AD58

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
975	24 CFR 15 Disclosure of Financial Information to Mortgage Purchasers (H-78-84; FR-2014)	2502-AC65
976	24 CFR 56 Flood Insurance Requirements for Mortgage Insurance and Grant Program (CPD-74-84; FR-2007)	2502-AC76
977	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24

HUD

Office of Housing—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
978	24 CFR 200 Use of Materials Bulletin No. 48a - HUD Building Product Standards and Certification Program for Pressure Treated Lumber and Plywood (H-17-85)	2502-AC98
979	24 CFR 200 Use of Materials Bulletin No. 71 - Polystyrene Foam Board (H-20-85)	2502-AD00
980	24 CFR 200 Use of Materials Bulletin No. 88 - Mat Formed Particleboard (H-22-85)	2502-AD02
981	24 CFR 203.43c Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development (H-93-82; FR-1742)	2502-AA61
982	24 CFR 203.18 Veteran Qualifications--Eligibility Requirements for Mutual Mortgage Insurance and Rehabilitation Loans (H-47-83; FR-1801)	2502-AB89
983	24 CFR 203, et al Single Family Mortgage Insurance on Hawaiian Home Lands (H-39-84; FR-1928)	2502-AC36
984	24 CFR 200 Payment of Single Family Mortgage Insurance without Conveyance of Title (H-38-84; FR-1927)	2502-AC37
985	24 CFR 203 FHA Mortgage Insurance on Indian Land where the Tribe is the Mortgagor (H-8-85; FR-2059)	2502-AC81
986	24 CFR 0203.283 Eliminate Payment of a Refund or Distributive Share Payment for MIP Termination Due to Nonconveyance Election of the Mortgagee (H-16-86; FR-2214)	2502-AD51
987	24 CFR 203.1-9 Eligibility Requirements for Mortgagee Approval by HUD (H-30-86; FR-2252)	2502-AD72
988	24 CFR 203 Deregulation of Loan Origination Fees (H-14-87)	2502-AD96
989	24 CFR 204 Single Family Coinsurance Program Revisions (H-28-80; FR-1094)	2502-AB01
990	24 CFR 207 Cooperative Housing Mortgage Insurance Subordinated Secretary-held Mortgages (H-33-83; FR-1756)	2502-AB97
991	24 CFR 207 Change in Default Notice Reporting Period - Multifamily Insurance (H-4-84; FR-1842)	2502-AC18
992	24 CFR 235 Amendments to the Section 235 Program (H-3-85; FR-2037)	2502-AC93
993	24 CFR 278 Mandatory Meals Programs in HUD-Assisted Housing Projects (H-43-85; FR-2179)	2502-AD27
994	24 CFR 0251.207 To Exempt Loans Already Coinsured from the One-Fourth Limitation on Coinsurance of Portfolio Loans (H-2-86; FR-2155)	2502-AD49
995	24 CFR 290.17 HUD-Owned Multifamily Projects - Management and Disposition - Rent Setting Provisions (H-41-85; FR-2142)	2502-AD33
996	24 CFR 882 Section 8 Housing Assistance Payments Program - Moderate Rehabilitation (H-38-81; FR-1527)	2502-AA86
997	24 CFR 882 Targeting of Section 8 Certificates of Family Participation (H-22-83; FR-1736)	2502-AB47
998	24 CFR 882 Section 8 Housing Assistance Payments Program-Public Housing Agency Administrative Fees (H-12-86; FR-2207)	2502-AD42
999	24 CFR 882 Section 8 Housing Assistance Payments Program - Requesting Exception Rents to the Fair Market Rents (H-14-86; FR-2213)	2502-AD44
1000	24 CFR 882 Section 8 Housing Assistance Payments Program-- Existing Housing Certificate Program (H-I5-87)	2502-AE01
1001	24 CFR 3280.3 Manufactured Home Construction and Safety Standards - Standards Revision (H-30-85; FR-2137)	2502-AD10

Office of Community Planning and Development—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1002	24 CFR 0596 Designation of Enterprise Zones (CPD-11-83; FR-1913)	2506-AA45

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1003	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1004	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1005	24 CFR 0570 Amendments to Community Development Block Grant Regulations; Entitlement Program (CPD-4-86)	2506-AA68
1006	24 CFR 570.450 to 465 Community Development Block Grants, Urban Development Action Grants (CPD-9-86)	2506-AA72
1007	24 CFR 571.702 (b) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84; FR-2102)	2506-AA58

HUD

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1008	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1009	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
1010	24 CFR 570 Community Development Block Grant Regulations (CPD-6-84; FR-1895)	2506-AA47
1011	24 CFR 575 Emergency Shelter Grant Program (CPD-1-87; FR-2298)	2506-AA74

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1012	24 CFR 510 Section 312 Rehabilitation Loan Program and Community Development Action Relocation Requirements (CPD-4-85; FR-2151)	2506-AA65
1013	24 CFR 570 Removal of Authority of Federal Financing Bank to Purchase Section 108 Guaranteed Obligations (CPD-5-86; FR-2245)	2506-AA69
1014	24 CFR 571 Community Development Block Grants for Indian Tribes and Alaskan Native Villages - Selection Process (CPD-11-84; FR-2000)	2506-AA33

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1015	24 CFR 203 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03

Government National Mortgage Association—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1016	24 CFR 390 Mortgage-Backed Securities - Revision to Date for First Monthly Payment to Principal and Interest (GNMA-1-85; FR-2135)	2503-AA04

Office of Fair Housing and Equal Opportunity—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1017	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1018	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1019	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2529-AA30
1020	24 CFR 111 Fair Housing Assistance Program; Program Description and Eligibility Criteria (FHEO-2-87)	2529-AA32
1021	24 CFR 115 Recognition of Jurisdiction with Substantially Fair Housing Laws (FHEO-1-87)	2529-AA31

HUD

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1022	24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1023	24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
1024	24 CFR 105 Procedure for Processing Complaints under Section 804 of the Fair Housing Act (FH&EO-6-84; FR 2012)	2529-AA24
1025	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1026	24 CFR 114 Fair Housing-Property Insurance Activities (FH&EO-10-78)	2529-AA10

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1027	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
1028	24 CFR 0045 OMB Circular A-102, Uniform Requirement for Assistance to State and Local Governments (ADM-1-86, FR-2178)	2535-AA13

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1029	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1030	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10

HUD

Office of Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1028	24 CFR 0045 OMB Circular A-102, Uniform Requirement for Assistance to State and Local Governments (ADM-1-86, FR-2178)	2535-AA13

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1029	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1030	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10

Office of Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1031	48 CFR 24 HUD Acquisition Regulation (ADM-2-84; FR-2098)	2535-AA06
1032	24 CFR 44 OMB Circulars Regarding Grant Management and Cost Principles (ADM-1-85; FR-2044)	2535-AA08
1033	24 CFR 65 Discretionary Grant and Cooperative Agreement Policies and Procedures (ADM-5-86; FR-2107)	2535-AA14
1034	24 CFR 111 Audit Requirements for the Fair Housing Assistance Program and the Community Housing Resource Boards (FH&EO-1-86; FR-2140)	2535-AA11

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1035	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1036	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1037	24 CFR 905.211 Preemption of Certain State-Determined Prevailing Wage Rates Applicable to Public and Indian Housing Projects (P-6-86; FR-2231)	2577-AA42
1038	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1039	24 CFR 941 Public and Indian Housing - Application Processing Procedures (P-10-86; FR-1946)	2577-AA44
1040	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40

HUD

Office of Public and Indian Housing—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1041	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43
1042	24 CFR 989 Disallowance of Legal Expenses for Suits against HUD (P-2-85; FR-2134)	2577-AA33

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1043	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1044	24 CFR 913 Revised Occupancy Policies in Public and Indian Housing (P-7-86; FR-2240)	2577-AA41
1045	24 CFR 960 Public Housing -- Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1046	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1047	24 CFR 905 Indian Preferences (P-51-83; FR-1808)	2577-AA26
1048	24 CFR 964 Tenant Participation in Management of Public and Indian Housing Projects (P-1-85; FR-2033)	2577-AA30
1049	24 CFR 990.105 Performance Funding System - Elimination of Inflation Factor for Fiscal Year 1987 (P-3-86; FR-2210)	2577-AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

875. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None.

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Act,on	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Proposed Rule Stage

876. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None.

Abstract: This rule would remove regulations that are obsolete or duplicative. The rule would also decontrol some programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Tim Coward, Attorney Advisor, Office of Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA50

877. ● AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Legal Deadline: None.

Abstract: The Department is reviewing its procedural rules to determine to what extent they need to be updated. This includes the rules the Department uses in developing new rules or amending existing regulations, and the procedures the public may use in commenting on a rulemaking or must use to obtain information from HUD under the Freedom of Information Act as well as procedures applicable to the Interstate Land Sales Registration Program. It is the Department's intention to streamline procedures, to make procedures more uniform, to clarify procedures for public petition for rulemaking, and to be more explicit about the kinds of rulemaking that will be subject to public participation and the circumstances under which rules may receive expedited treatment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501-AA57

878. ● ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS (S-2-87; FR-2310)

Significance: Agency Priority

Legal Authority: PL 99-501

CFR Citation: 24 CFR 28

Legal Deadline: Statutory, April 21, 1987.

Abstract: This rule would implement the Program Fraud Civil Remedies Act of 1986 by establishing administrative procedures for imposing civil penalties and assessments against persons who file false claims or statements while applying for certain benefits provided by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Patricia M. Black, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501-AA58

879. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 46

Legal Deadline: None.

Abstract: In response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model to be promulgated by the Office of Science and Technology Policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

The Executive Order will be published for public comment and then promulgated with changes, if any, resulting from public comment.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, 202 755-6230

RIN: 2501-AA15

880. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 50; 24 CFR 55; 24 CFR 58; 24 CFR 200

Legal Deadline: None.

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule

would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-7894

RIN: 2501-AA23

881. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None.

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA30

882. ● FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE LOAN AND GRANT PROGRAMS (CPD-74-84; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None.

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance, loans and grants.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6611

RIN: 2501-AA59

883. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-13-86; FR-2316)

Legal Authority: EO 11514; EO 11991; 42 USC 1437(i); 42 USC 4332; 42 USC 5304(f)

CFR Citation: 24 CFR 0058

Legal Deadline: None.

Abstract: This rule is related to RIN: 2501-AA25 (S-6-84; FR-1965). It proposes revisions in the regulations governing environmental review, decisionmaking and other actions by recipients of HUD assistance under the CDBG, Rental Rehabilitation and Housing Development grant programs that are not appropriate for final rulemaking. The proposed rulemaking is intended to solicit comments from the public on revisions to environmental policy that program experience has indicated may enhance compliance with NEPA, other environmental authorities and HUD legislation under the affected assistance programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Charles E. Thomsen, Architect, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, 202 755-6611

RIN: 2501-AA39

884. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (S-5-86; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None.

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William L. Johncox, Department of Housing and Urban Development, Office of the Secretary, Office of Labor Relations, 202 755-5370

RIN: 2501-AA40

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of the Secretary (HUDSEC)

Final Rule Stage

885. STANDARDS OF CONDUCT (S-5-85; FR-2146)

Legal Authority: EO 11222; 18 USC 201 to 209

CFR Citation: 24 CFR 00

Legal Deadline: None.

Abstract: This rule would revise and improve the Department's Standards of Conduct regulation. It would clarify the current rule and eliminate redundant and outdated material. In addition, it would conform the current rule to subsequently enacted statutes.

Timetable:

Action	Date	FR Cite
NPRM	08/22/86	51 FR 30178
NPRM Comment Period End	10/21/86	51 FR 30178
Final Action	07/00/87	

Small Entity: No

Agency Contact: David D. White, Asst. General Counsel for Administrative Law, Department of Housing and Urban Development, Office of the Secretary, Office of Equal Opportunity and Admin. Law, **202 755-7137**

RIN: 2501-AA31

886. TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES (S-17-86; FR-2273)

Legal Authority: 5 USC 301; 5 USC 552; 42 USC 3535(d)

CFR Citation: 24 CFR 15

Legal Deadline: None.

Abstract: 24 CFR Part 15 contains HUD's rules for the disclosure of information and production of any material in its possession or acquired by an employee or former employee as a part of the performance of his official duties or because of his official status. The current rule prohibits such disclosure or production, "in response to a demand of a court or other authority," without the prior approval of the Secretary. 24 CFR 15.72. Filling a gap in the current rule, this final rule describes the situations in which the Secretary will permit the testimony of current and former HUD employees in judicial, quasi-judicial, and legislative proceedings concerning information acquired as part of the performance of their official duties or because of their official status. In addition, the rule prohibits, subject to waiver by the Secretary, any employee or former employee from being called as an expert or opinion witness, by any party other than the United States, as to matters related to his duties or the functions of the Department, including the meaning of departmental documents.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Carolyn B. Lieberman, Deputy General Counsel (Operations), Department of Housing and Urban Development, Office of the Secretary, **202 755-7250**

RIN: 2501-AA51

887. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None.

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7184**

RIN: 2501-AA55

888. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None.

Abstract: Would amend 24 CFR Part 24 to conform with OMB guidelines for nonprocurement debarment, providing for government-wide effect of debarment by one Federal agency (51 FR 6370). Additionally, it would (1) clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, and (2) clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period End	12/12/83	48 FR 46072

Next Action Undetermined

Small Entity: No

Agency Contact: Patricia Black, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the General Counsel, **202 755-5557**

RIN: 2501-AA05

889. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS (S-2-86; FR-2156)

Legal Authority: 5 USC 554; PL 96-481; PL 99-80

CFR Citation: 24 CFR 14; 24 CFR 20.10

Legal Deadline: None.

Abstract: This rule will implement the 1985 amendments to the Equal Access to Justice Act to provide attorney's fees to prevailing parties in actions against the government where the government is unable to show that its conduct is substantially justified.

Timetable:

Action	Date	FR Cite
NPRM	01/26/84	49 FR 3202
NPRM Comment Period End	03/26/84	49 FR 3202
Final Action	03/00/87	

Small Entity: No

Agency Contact: Grant E. Mitchell, Asst. GC for Fiscal Management & Energy Prog, Department of Housing and Urban Development, Office of the General Counsel, **202 755-6550**

RIN: 2501-AA44

890. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None.

Abstract: This agenda item makes final two outstanding interim rules. These rule provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They includes: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) [CONT]

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Rule Effective	07/31/84	49 FR 23610
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, **202 755-6611**

RIN: 2501-AA25

891. ● RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-86; FR-1588)

Significance: Regulatory Program

Legal Authority: 42 USC 1436a; PL 99-603

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 912

Legal Deadline: None.

Abstract: Section 214 of the Housing and Community Development Act of 1980, as amended by section 329 of the Housing and Community Development Amendments of 1981 and by the Immigration Reform and Control Act of 1986, prohibits the Secretary from making financial assistance available under certain HUD programs for the benefit of any alien who is not a lawful resident of the United States under the Immigration and Nationality Act. The programs affected are public and Indian housing, the Section 8 Housing Assistance Payments programs, the Housing Voucher program, the Rent Supplement program, the section 235 assisted homeownership program, and the section 236 rental housing program.

These laws require that an applicant or participant in the programs declare whether he or she is a citizen or alien and if an alien must submit documents to show eligible status. Alien status will be verified with the Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/86	51 FR 11198
Final Action	00/00/00	

Small Entity: No

Additional Information: This rule was removed from the agenda when the final rule was published in April of 1986. It was first expected to be made effective in July, and then in September. Now that there is a new law to be implemented, the Immigration Reform and Control Act of 1986, and the Department has been prohibited from spending appropriated funds to enforce the April 1986 rule in fiscal year 1987, it is clear that (1) the rule will be revised before taking effect; and (2) the effective date will not be announced until after October 1, 1987.

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director

Rental and Occupancy Branch

Office of Public Housing

202-426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2501-AA56

892. AMENDMENTS TO DEFINITION OF INCOME (S-12-86; FR-2184)

Legal Authority: 12 USC 1701s; 12 USC 1715z-1; 42 USC 1437a

CFR Citation: 24 CFR 0813.106; 24 CFR 0913.106; 24 CFR 0215.21; 24 CFR 0236.3

Legal Deadline: None.

Abstract: This rule will add a few categories of payments to those that are excluded from annual income for the Section 8, Public and Indian Housing, Rent Supplement and Section 236 programs. It amends Parts 813, 913, 215 and 236.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Additional Information: Contact for Section 8, Rent Supplement and Section 236 Programs:

James J. Tahash

Director, Program Planning Division

Office of Multifamily Housing Management

Office of Housing

(202) 426-3944

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2501-AA46

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Secretary (HUDSEC)

Completed Actions

893. IMPLEMENTATION OF THE INTEREST PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-9-84; FR-2022)

CFR Citation: 24 CFR 17; 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 207; 24 CFR 202; 24 CFR 220; 24 CFR 232; 24 CFR 241; 24 CFR 250; 24 CFR 255

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2092.	09/05/86	

Small Entity: No

Agency Contact: Samuel B. Rothman 202 755-7184

RIN: 2501-AA24

894. TAX REFUND DEDUCTION PROGRAM (S-2-85; FR-2092)

CFR Citation: 24 CFR 17

Completed:

Reason	Date	FR Cite
Final Action	10/31/86	51 FR 39748
Final Action Effective	02/06/87	52 FR 3795

Small Entity: Not Applicable

Agency Contact: Samuel B. Rothman 202 755-7184

RIN: 2501-AA52

895. LEAD-BASED PAINT HAZARD ELIMINATION IN FHA SINGLE FAMILY, MULTIFAMILY, SEC. 8 HSG ASSISTANCE PAYMENTS FOR SUB REHAB, & SEC. 8 EXISTING HSG CERT. & MODERATE REHAB (S-19-86; FR-2223)

Significance: Regulatory Program

CFR Citation: 24 CFR 35.24; 24 CFR 35.56; 24 CFR 200.800; 24 CFR 200.805; 24 CFR 200.810; 24 CFR 200.815; 24 CFR 200.820; 24 CFR 200.825; 24 CFR 200.830; 24 CFR 881.207; 24 CFR 882.109; 24 CFR 882.209; 24 CFR 882.404; 24 CFR 882.507; 24 CFR 882.514; ...

Completed:

Reason	Date	FR Cite
Final Action	01/15/87	52 FR 1876
Final Action Effective	03/02/87	52 FR 1876

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2501-AA53

896. LEAD-BASED PAINT HAZARD ELIMINATION IN CDBG, UDAG, SECRETARY'S FUND, SEC. 312 REHAB. LOAN, RENTAL REHAB., AND URBAN HOMESTEADING PROGRAMS (S-15-86; FR-2243)

Significance: Regulatory Program

CFR Citation: 24 CFR 35.3; 24 CFR 35.24; 24 CFR 510.410; 24 CFR 511.11; 24 CFR 570.202; 24 CFR 570.303; 24 CFR 570.458; 24 CFR 570.461; 24 CFR 570.608; 24 CFR 590.11

Completed:

Reason	Date	FR Cite
Final Action	02/17/87	52 FR 4870
Final Action Effective	03/19/87	52 FR 4870

Small Entity: No

Agency Contact: Don Patch 202 755-6587

RIN: 2501-AA54

897. PET OWNERSHIP IN ASSISTED RENTAL HOUSING FOR THE ELDERLY OR HANDICAPPED (S-8-86; FR-1936)

Significance: Regulatory Program

CFR Citation: 24 CFR 842; 24 CFR 942; 24 CFR 511; 24 CFR 243

Completed:

Reason	Date	FR Cite
Final Action	12/01/86	51 FR 43270
Final Action Effective	03/02/87	52 FR 3795

Small Entity: No

Agency Contact: David Pass 202 755-5989

RIN: 2501-AA35

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Prerule Stage

898. ● FHA SINGLE FAMILY BORROWER ELIGIBILITY (H-12-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Implement legislation (proposed) to limit eligibility in the FHA single family insurance program to buyers of primary residences.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD94

899. ● PENALTIES FOR MORTGAGEES CONVEYING PROPERTIES WITH TITLE DEFECTS (H-16-87)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: 24 CFR 203.366 requires mortgagees to convey good marketable title, accompanied by title evidence satisfactory to the Commissioner. Despite this regulation and the fact that mortgagees are partially reimbursed for the costs, estimates indicate that at least six percent of all pieces of title evidence to HUD will require some form of corrective action. In many instances, this causes delays in marketing a property or closing a sale and results in additional expenses to HUD. With field staffs having the responsibility to review and approve all title evidence, arranging for correction to title problems creates additional burdens in view of increasing inventories and other priorities.

HUD believes that these problems will persist unless some form of punitive action is taken against mortgagees who fail to provide good marketable title.

HUD—OH **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Additional Information: This ANPRM relates to RIN: 2502 - AD83, Types of Satisfactory Title Evidence (H-48-86).

Agency Contact: Jacqueline Campbell, Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502-AD97

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900. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

Legal Authority: 12 USC 1715j; PL 95-551

CFR Citation: 24 CFR 219

Legal Deadline: None.

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA53

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901. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

Legal Authority: PL 98-181, Sec 217

CFR Citation: 24 CFR 219

Legal Deadline: None.

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of the General Counsel, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC31

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902. ● NOTICE REQUESTING A PRIVATE ORGANIZATION TO DEVELOP AND MAINTAIN THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-9-87; FR-2271)

Significance: Regulatory Program

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: In the Notice, HUD requests a private organization to develop and maintain the Federal Manufactured Home Construction and Safety Standards (FMHCSS) (24 CFR Part 3280). HUD published a Notice in the Federal Register of July 7, 1982 (47 FR 29605) that announced HUD's interest in having a nationally recognized building code or standards which could replace, by reference, all of the HUD standards now in the FMHCSS. HUD would retain the responsibility and authority to promulgate and enforce revisions to the FMHCSS, after formal notice and comment rulemaking. Model standards incorporated by reference in the FMHCSS would then become preemptive and be enforced as HUD standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/13/87	52 FR 4663
ANPRM Comment Period End	04/14/87	52 FR 4663
NPRM	00/00/00	

Small Entity: No

Agency Contact: William C. Sorrentino, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502-AD85

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903. ● MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR2327)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE06

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904. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This action will request comments on how the Department could improve enforcement of the Manufactured Home Construction and Safety Standards by Production Inspection Primary Inspection Agencies (IPIAs), and, at the same time, be less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD60

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Housing (OH)

905. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935

Legal Deadline: None.

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Tsou-Liang Tang, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA68

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906. USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and Regulatory Functions, 202 755-5718

RIN: 2502-AD01

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907. DEFINITION OF MASTER CONDITIONAL COMMITMENT (H-15-86; FR 2123)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0200

Legal Deadline: None.

Abstract: This proposed regulation is clarifying in nature. It will provide a brief description of the master conditional commitment procedure HUD has in effect in its single family housing programs. Most likely the rule will take the form of a revision of 24 CFR 200.148.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 426-3046

RIN: 2502-AD48

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908. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING -- WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

Legal Authority: 12 USC 1701 to 1715a-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This proposed rule would amend the regulation relating to the applicability of the chemical and bacteriological standards of local health authorities to HUD-insured one- and two-family dwellings. This proposal provides that in the absence of local standards, those of the appropriate State agency would apply. This revision would simplify the requirements for water supply systems while furthering the Department's policy of relying on acceptable State and local building codes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mark W. Holman, Manufacutured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6584

RIN: 2502-AD64

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909. ISSUANCE OF FHA DEBENTURES (H-36-86; FR-2268)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 207

Legal Deadline: None.

Abstract: This proposed rule would amend HUD regulations to authorize the transfer of authority for the issuance of FHA Debentures from United States Department of the Treasury to the Federal Reserve Bank of New York.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Timothy Toomer, Office of Finance and Accounting, Department of Housing and Urban Development, Office of Administration, 202 755-5747

RIN: 2502-AD68

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910. DIRECT ENDORSEMENT UNDERWRITER'S CERTIFICATION (H-29-86; FR-2241)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.163

Legal Deadline: None.

Abstract: The rule would authorize the mortgage lender (rather than its underwriter) to certify personally as to the correctness of certain items relating to the closing of a loan under the Department's direct endorsement program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan J. Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD71

HUD—OH

Proposed Rule Stage

911. ● USE OF MATERIAL BULLETIN USED IN HUD BLDG. PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR MAT-FORMED PARTICLEBOARD SHEATHING PANELS(H-7-87; FR-2322)

Legal Authority: 42 USC 3535(d); 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would adopt UMB 88 that reference a standard of the American National Standards Institute (ANSI A 208.1.1979).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Leslie Breden, Office of Manufactured Hsg. & Reg. Functions, Department of Housing and Urban Development, Office of Housing, **202 755-5929**

RIN: 2502-AD92

912. ● REVISION OF USE OF MATERIALS BULLETIN USED IN THE HUD BLDG. PRODUCT STANDARD AND CERTIFICATION PROGRAM (H-4-87; FR2308)

Legal Authority: 12 USC 3535(d)

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This rule would revise the following existing UM Bulletins in order to update the standards referenced in the UM's in accordance with 24 CFR 2009.35.

UM 39a Aluminum Windows, Sliding Glass Doors and Storm Doors UM 48a Pressure Treated Lumber & Plywood UM 52a Wood Flush Doors UM 71 Polystyrene Form Insulation Sheathing Board UM 54 Solid Fuel Type Room Heaters & Fireplace Stove.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Leslie H. Breden, Officed of Manufactured Housing & Regulatory, Functions, Department of Housing and Urban Development, Office of Housing, **202 755-5929**

RIN: 2502-AE04

913. ● REV. OF UMB 44D TO ALLOW THE USE OF CARPET IN BATHROOMS & KITCHENS OVER A CONCRETE-MASONERY FLOORING SYSTEM AND A NEW CLASSIFICATION SYSTEM FOR CARPET (H-20-87)

Legal Authority: Technical Suitability of Products Program of the Nat'l Hsg Act

CFR Citation: 24 CFR 200.935

Legal Deadline: None.

Abstract: A revised standard for carpet was issued on June 23, 1986 as Use of Materials Bulletin No. 44d to recognize the use of wall-to- wall carpet as a technically suitable material for finished flooring. The value of carpet is included in HUD mortgage insurance programs. A typical life for carpet of 8 years was used to compare the replacement cost of carpet versus other materials used as flooring such as ceramic tile, or vinyl tile or sheet flooring. Any reduction in the life expectancy that would increase the replacement cost of carpet also would not be a reasonable economic justification for including the cost of carpet under HUD's mortgage insurance program. The American Textile Manufacturers Institute has recommended the use of carpet in bathrooms and kitchens provided that they are composed of nylon of textures A,B, or C Type I Class 2 or polypropylene of textures A or B Type I Class 2, and is maintained properly. HUD (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Additional Information: (ABSTRACT CONT'D) is revising UM 44d to incorporate these changes in a proposed rule provided that the carpet is applied over a concrete-masonery flooring system. Comments on this change to UM 44d will be requested. In addition, a new classification system for attached cushion is proposed.

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Manf. Hsg. & Construction Standards Division, Department of Housing and Urban Development, Office of Housing, **202 755-5718**

RIN: 2502-AE07

914. MISCELLANEOUS AMENDMENTS TO PART 201--PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS (FR-2171; H-4-86)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 0201

Legal Deadline: None.

Abstract: The proposed rule would (1) change the period for the financing of premiums for comprehensive and extended hazard insurance from three years to one year; (2) add a new subpart G to govern collection of claims owed to HUD under Title I loans, and (3) make other revisions to the Title I rule, which was promulgated in the Federal Register of October 25, 1985 (50 FR 43516).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Christopher Peterson, Dir. Ofc of Manufacture Hsg & Reg Functions, Department of Housing and Urban Development, Office of Housing, **202 755-5210**

RIN: 2502-AD37

915. FILING PERIOD FOR RESUBMISSION OF DENIED CLAIMS (H-43-86)

Significance: Agency Priority

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201.54

Legal Deadline: None.

Abstract: It is the responsibility of lending institutions to submit complete and accurate loan files so that the Department can process the Title I Application for Loss in a timely manner and proceed with debt collection efforts. Inordinate delays of more than a year can often occur between the time a claim is returned to the lender because of regulatory violations or incomplete submissions and the lender's making an appeal of the denial. At present, there is no control on the refiling period.

If the appeal is approved for payment, debt collection efforts can be impaired by the often lengthy time between default on the loan and the initiation of collection efforts by the Department. Also, much staff time is spent in reviewing resubmitted claims which are being irresponsibly and repeatedly returned by lending institutions. This rule would control the time period during which appeals could be filed, the number of resubmitted claims, and the quality of the submissions. (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT'D: This rule proposes that lending institutions that wish to appeal the denial of their application for Title I claim payments must return the claims with a narrative appeal within 3 months of the date of the letter of denial.

Agency Contact: Donald C. Demitros, Dir., Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-5645

RIN: 2502-AD80

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916. ONE-TIME MORTGAGE INSURANCE PREMIUM FOR NON-MUTUAL FUND - SINGLE FAMILY INSURANCE PROGRAM (H-40-84; FR-1930)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Legal Deadline: None.

Abstract: This rule would extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, 202 426-4325

RIN: 2502-AC35

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917. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time, the mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and file contents for records supporting single family claim payments and mortgage reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Fred W. Pfaender, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AC50

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918. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The new single family process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Donald C. Demitros, Director, Mortgage Insurance Accounting and, Servicing, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2502-AC54

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919. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None.

Abstract: Proposed regulation to protect HUD against claims brought under the Federal Tort Claims Act, which claim negligent HUD inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AC92

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920. SINGLE FAMILY FORECLOSURES--DEFICIENCY JUDGEMENTS (H-6-86; FR-2193)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would permit HUD to require lenders to seek deficiency judgments after a single family home foreclosure and would provide reimbursement to the lender for its costs.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4507
NPRM Comment Period End	03/16/87	52 FR 4507
Final Action	09/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD38

HUD—OH

Proposed Rule Stage

921. ELIMINATION OF CLOSING COSTS AS AN ITEM ELIGIBLE FOR INCLUSION AS PART OF AN FHA INSURED SINGLE FAMILY MORTGAGE (H-10-86; FR-2203)

Significance: Regulatory Program

Legal Authority: 12 USC 1709; 12 USC 1715y

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234

Legal Deadline: None.

Abstract: Current HUD policy is to allow a percentage of closing costs associated with the financing of single family homes to be included as part of the insurable mortgage amount. This results from the HUD treating closing costs as part of the appraised value or cost of acquisition of a single family property. It is proposed that HUD regulations be revised so that "appraised value" is defined in a manner that would prohibit the inclusion of closing-related costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Office of Insured SF Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD39

922. REFINANCING OF EXISTING HUD-INSURED MORTGAGES (H-8-86; FR-2197)

Significance: Regulatory Program

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43; 24 CFR 221; 24 CFR 234

Legal Deadline: None.

Abstract: This proposed rule would revise HUD's present regulations at 24 CFR Parts 203, 221, and 234 to provide for insured refinancing of HUD insured mortgages.

Timetable:

Action	Date	FR Cite
NPRM	02/10/87	52 FR 4138
NPRM Comment Period End	04/13/87	52 FR 4138

Small Entity: No

Agency Contact: John Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD41

923. SINGLE FAMILY CLAIM SETTLEMENTS - WAIVERS OF AMOUNTS DUE MORTGAGEES OR HUD OF $50 OR LESS (H-11-86; FR-2204)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0203

Legal Deadline: None.

Abstract: This proposed rule would authorize the Secretary of HUD to waive any amounts of $50 or less determined to be due either the mortgagee or HUD in connection with a single family insurance claim. In view of the volume of claims paid annually and the administrative costs involved, it is not deemed cost effective to either party to pay claims or collect monies for lenders for amounts of $50 or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: S. A. Evans, Director, Office of Finance and Accounting, Department of Housing and Urban Development, Office of Housing, 202 755-6310

RIN: 2502-AD50

924. TERMINATION OF SECTION 245(B) GPM PROGRAM (H-34-86; FR-2266)

Significance: Agency Priority

Legal Authority: 12 USC 1715z-10(b)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Section 245(b) of the National Housing Act permits the loan-to- value ratio of graduated payment mortgages (GPMs) to increase to as much as 113%. Because of the high claim rate among GPM's, HUD intends to discontinue its insuring authority under this program, thereby limiting a further increase in the number of claims made against the insurance fund.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Alan J. Kappeler, Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502-AD63

925. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This proposed rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Public Comments		
Notice of Solicitation	11/14/84	(49 FR 45075)

Small Entity: No

Agency Contact: John Coonts, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502-AD65

926. TYPES OF SATISFACTORY TITLE EVIDENCE (H-48-86)

Significance: Agency Priority

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend 24 CFR 203.385 to withdraw approval for use of attorney certificates of title used with mortgagee title policies and abstracts of title and attorneys' opinions. This change is intended to accommodate a plan for HUD to provide general warranty deeds to the purchasers of HUD 1-to-4-family properties. The amended regulation would provide approval for only those evidences of title which will provide protection to HUD even after sale of the property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Alan J. Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-3046

RIN: 2502-AD83

927. ● ELIMINATION OF PROHIBITION ON THE PAYMENT OF FEES TO THIRD PARTIES IN MULTIFAMILY INSURANCE MORTGAGE TRANSACTION (H-5-87; FR-2314)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Current regulation to provide for a blanket prohibition against the sharing of fees by a lender and other parties providing various services in connection with an FHA mortgage transaction. This rule would eliminate this blanket prohibition with respect to multifamily mortgage transactions where it does not comport with prevailing industry practice.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: James Hamernick, Director, Office of Insured Multifamily Hsg, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD90

928. ● SINGLE FAMILY MORTGAGE INSURANCE PREMIUM (H-11-87)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: FHA single-family mortgage insurance premiums will be set at levels comparable to those charged by the highest rated private mortgage insurers. Specifically, the mortgage insurance premium (MIP) will be calculated as if it were a AAA Moody's-rated private mortgage insurer. Such an MIP calculation would assume that FHA were required to maintain, sufficient reserves to withstand Moody's 10-year depression stress test, earn a market return on an imputed tax rate on its "earnings", etc. Pending approval of a legislative amendment removing the present cap on FHA premiums, this regulation will be deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD93

929. ● DEREGULATION OF POST-ENDORSEMENT AND LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: Post-endorsement fees in the FHA single family program will be deregulated, as will loan origination fees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD98

930. ● SINGLE FAMILY DOWNPAYMENT REQUIREMENTS (H-17-87; FR-2334)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: A minimum 5 percent downpayment (as a percent of purchase price) will be required in the single family program for families earning over $40,000 per year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502-AD99

931. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

Legal Authority: 12 USC 1715z-6; 12 USC 1752-9; 12 USC 1715l; 12 USC 1715z-7

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Legal Deadline: None.

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: April LeClair, Director, Insurance Division, Department of Housing and Urban Development, Office of Housing, Office

of Insured Multifamily Housing Development, **202 755-6223**

RIN: 2502-AA63

932. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None.

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, **202 755-3970**

RIN: 2502-AC49

933. PREFERENCE IN THE PROVISION OF HOUSING FOR FAMILIES WHO ARE OCCUPYING SUBSTANDARD HOUSING, ARE INVOLUNTARILY DISPLACED, OR ARE PAYING MORE THAN 50% OF FAMILY INCOME (H-22-80; FR-1597)

Significance: Regulatory Program

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f; PL 98-181, Sec 203

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960; 24 CFR 885

Legal Deadline: None.

Abstract: Would establish preferences in the Public Housing, Section 8 and Rent Supplement programs for those "living in substandard housing", for those who are "involuntarily displaced" and for those paying more than 50 percent of their income for rent. The Department will be publishing a proposed rule again because of changes in position taken by the Department as a result of the public comments received on the 09/26/84 proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Additional contact persons:

1. Nancy Chisholm, Office of Policy, Office of Public and Indian Housing, 202 755-6713

2. Madeline Hastings, Existing Housing Division, Office of Housing, 202 755-6887

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, **202 426-3970**

RIN: 2502-AA34

934. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None.

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to projects owned by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502-AC73

935. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 221.55

Legal Deadline: None.

Abstract: This rule would make it possible for a mortgagee to net the escrow from the claim amount on automatic assignments. The escrow account can be built through a non-cash transaction in the Thrift system. This would eliminate misrouting of checks through the mail.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Donald C. Demitros, Director, Mortgage Insurance Accounting and Servicing, Department of Housing and Urban Development, Office of Housing, **202 755-5645**

RIN: 2502-AD78

936. RECOVERY OF SECTION 235 ASSISTANCE PAYMENTS (H-18-86)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 235.361

Legal Deadline: None.

Abstract: This rule would revise the regulation at 24 CFR 235.361 to more clearly describe who is responsible for overpaid assistance and the manner in which overpaid assistance will be collected from the mortgagor.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Fred W. Pfaender, Acting Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, **202 755-6672**

RIN: 2502-AD45

937. COINSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES (H-32-86; FR-2256)

Legal Authority: 12 USC 1715z(9)

CFR Citation: 24 CFR 252

Legal Deadline: None.

Abstract: The rule would authorize the coinsurance of mortgages covering nursing homes or intermediate care facilities. Section 232 of the National

Housing Act authorizes the full insurance of nursing homes or intermediate care facilities. Under section 244 of the NHA coinsurance can also be made available for such facilities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD74

938. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None.

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502-AA73

939. ● CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: Upon publication of the Department's housing voucher regulation, work will begin to incorporate into Part 882, containing the Section 8 Certificate regulations, the various policies and simplified procedures of housing vouchers that can be applied to certificates.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD91

940. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None.

Abstract: Under the Section 8 housing program, housing assistance payments are made to owners on behalf of eligible families. Generally, the Department administers this program through public housing agencies (PHAs). In exchange for providing the administrative support for the program, PHAs receive an administrative fee. This rule will revise two aspects of the administrative fee element of the program. First, the Department proposes to revise the base Fair Market Rent used to compute the Administrative Fee and second, the Department proposes to make the amount uniform for the Section 8 Certificate and Housing Voucher programs. This rule will also implement the revisions previously listed in RIN: 2502-AD40; FR2212, namely, commenters on proposed Fair Market Rents (FMRs) would have to submit data showing that the current or proposed FMRs are not adequate for the area. Portions of this rule will require intervening legislation before promulgation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Replaced old RIN: 2502-AD42

Agency Contact: Madeline Hasting, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD95

941. ● SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS-- MISCELLANEOUS AMENDMENTS (H-19-87; FR-2335)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 882; 24 CFR 888

Legal Deadline: None.

Abstract: This rule would effect miscellaneous changes in the Section 8 Existing Housing Program aimed at promoting efficiency and uniformity in the several subprograms under Section 8. This proposal will make changes in the procedures associated with Annual Adjustments to rent, to facilitate downward adjustments in the annual adjustment factors where relevant indices of costs and prices call for such adjustments. The rule would also adjust administrative fees payable to PHAs under the Certificate program to make them conform to the manner in which fees are determined in the Housing Voucher program. The rule will also address uniformity issues between Certificates and Vouchers in the areas of Vacancy Payments, and would tighten existing standards for approving exceptions rents.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban

Development, Office of Housing, 202 755-6887

RIN: 2502-AE00

942. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This rule would amend HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation would add regulatory provisions to govern section 202/8 project operations and management; would incorporate changes required by recent statutory amendments governing housing assistance payments and contracts; would modify application requirements governing site control, formation of the borrower corporation and limitations on number of units that entities may apply for within a single region; and would modify regulations governing the minimum capital investment escrow account.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC03

943. REVISIONS TO PART 886 TERMINATION OF TENANCY (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 14 USC 1437c; 14 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 247; 24 CFR 886

Legal Deadline: None.

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs. The changes would apply 24 CFR Part 247 - Evictions from Certain Subsidized and HUD-Owned Projects, to terminations of tenancy under Part 886.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC59

944. PROVISION OF SECTION 8 EXISTING HOUSING ASSISTANCE FOR PROJECTS AT FORECLOSURE SALES (H-3-86; FR-2158)

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k)

CFR Citation: 24 CFR 886; 24 CFR 27

Legal Deadline: None.

Abstract: This interim rule would amend Parts 886 and 27 to make Section 8 assistance available for projects sold at foreclosure sales.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AD43

945. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None.

Abstract: This proposed rule would amend Part 886 which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502-AD69

946. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John Weaver, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502-AD54

947. EXEMPTION FROM INTERSTATE LAND SALES REGISTRATION (H-47-86)

Significance: Agency Priority

Legal Authority: 15 USC 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 1710

Legal Deadline: None.

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration

requirements with no loss in consumer protection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John L. Brady, Director, Interstate Land Registration Division, Department of Housing and Urban Development, Office of Housing, 202 755-0502

RIN: 2502-AD81

948. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - DEREGULATORY PROPOSALS (H-39-86; FR-2277)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This rule will amend the Manufactured Home Construction and Safety Standards by deregulating matters which are not related to health, safety or durability issues. Rule will also reduce the Federal role in the Standards by referencing appropriate private sector requirements in lieu of maintaining government-originated criteria.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD59

949. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - THERMAL ENERGY STANDARDS DEREGULATION (H-42-86; FR-2280)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will deregulate thermal energy and appliance efficiency requirements by deleting appropriate criteria from the Manufactured Home Construction and Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD62

950. PART 3280 - INTERPRETATIVE BULLETIN ON THE VAPOR BARRIER REQUIREMENTS OF 24 CFR 3280.504 (H-46-86; FR-2285)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280.504

Legal Deadline: None.

Abstract: This interpretative bulletin will propose to interpret 24 CFR 3280.504, a provision of the Federal Manufactured Home Construction and Safety Standards, as prohibiting the use of ventilation systems using ceiling vents that discharge inside conditioned air into the attic/ceiling cavity. Section 3280.504 (a) currently requires ceilings to have a vapor barrier having a permeance not greater than 1 perm (dry cup method) installed on the lining side of the roof cavity. This proposed interpretation will clarify that ceiling-vent systems as described above violate section 3280.504(a) by intentionally allowing air migration into the ceiling cavity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Manufactured Hsg. Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD82

951. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Legal Deadline: None.

Abstract: Medium density fiberboard is not currently covered by the standards but is a major emitter of formaldehyde. It is used extensively in cabinet construction and can cause problems similar to particleboard or plywood, materials already regulated by the standards.

Second, the Department has received a number of complaints concerning the language and posting requirements of the health notice. Consideration will be given to different notice requirements if the manufactured home meets more than the minimum standard of formaldehyde levels.

Third, the current rule requires recertification of plywood and particleboard following treatment with a product containing formaldehyde.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE02

952. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None.

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification or a revised organization for production inspection.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Regulatory Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD61

HUD—OH

Proposed Rule Stage

953. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None.

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Alan Kappeler, Office of Insured Single Family Housing, (202) 755-3046.

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Final Rule Stage

954. ● LEAD STANDARDS IN WATER PIPING - SUBPART S - MPS (H-1-87; FR2290)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This final rule implements a provision of the Safe Drinking Water Act Amendments of 1986 that prohibits the insurance of a mortgage or the furnishing of assistance to newly constructed l residential property which contains a potable water system unless the system uses only lead free pipe, solder and flux. The provision is effective 24 months after the enactment of the Amendment.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE03

955. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FOR LEAD IN WATER PIPING (H-3-87; FR2296)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200

Legal Deadline: None.

Abstract: This final rule implements a provision of the Safe Drinking Water Act Amendments of 1986 that prohibits the insurance of a mortgage or the furnishing of assistance to newly constructed residential property which contains a portable water system unless the system uses only lead free pipe, solder and flux. The provision is effective 24 months after the enactment of the Amendment.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Mark W. Holman, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AE05

956. CONVEYANCE OF ONE- TO FOUR-FAMILY PROPERTIES OCCUPIED BY TENANTS OR FORMER MORTGAGORS (H-9-85; FR-2064)

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: This rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included are revised criteria for determining when HUD will accept conveyance of a one- to four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	02/25/86	51 FR 6556
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition Division, 202 755-5740

RIN: 2502-AB10

957. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Legal Authority: 12 USC 1715z; PL 98-181, Sec 443

CFR Citation: 24 CFR 203.49

Legal Deadline: None.

Abstract: Regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule Effective	07/30/84	49 FR 23580
Final Action	00/00/00	

Action	Date	FR Cite
Final Action Effective	00/00/00	

Small Entity: No

Additional Information: Under the 1985 Regulatory Program this appeared as part of RIN 2502-AD20.

Agency Contact: John Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Single Family Housing, 202 755-6720

RIN: 2502-AC43

958. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None.

Abstract: Amendments to TMAP and Assignment rule in light of statutory changes, court holdings, and policy developments. This rule was identified in earlier Agendas as RIN 2502-AB79 (H-29-81; FR-1415).

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Fred Pfaender, Director, Single Family Servicing, Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502-AD34

959. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242

Legal Deadline: None.

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: April LeClair, Director, Insurance Division, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 426-7113

RIN: 2502-AA90

960. ELIGIBILITY OF MORTGAGES ON EXISTING PROPERTIES - INSPECTION FEES (H-20-86; FR-2224)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 0207.32a

Legal Deadline: None.

Abstract: The regulations implementing the section 223(f) program excluded inspection fees for repairs required in the refinancing (or purchase) of projects insured under section 223(f). The program repair limits have been increased substantially however, and this regulatory amendment will provide for collection of an inspection fee to defray increased staff expenses.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36021
NPRM Comment Period End	12/08/86	51 FR 36021
Final Action	09/00/87	

Small Entity: No

Agency Contact: William Bornscheuer, Insurance Branch, Department of Housing and Urban Development, Office of Housing, 202 755-6223

RIN: 2502-AD47

961. REQUIREMENTS FOR INSURANCE OF LEASEHOLDS ON MULTIFAMILY MORTGAGES (H-22-86; FR-2222)

Legal Authority: 12 USC 1707

CFR Citation: 24 CFR 0207; 24 CFR 0213; 24 CFR 0221; 24 CFR 0234; 24 CFR 0242

Legal Deadline: None.

Abstract: This rule would amend HUD regulations to permit mortgages on leased land to be eligible for insurance if the lease has a period of not less than ten years to run beyond the maturity date of the mortgage. (Current regulations require that such leasehold have a period of not less than 75 years to run from the date the mortgage was executed.)

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Linda Cheatham, Director, Technical Support Division, Department of Housing and Urban Development, Office of Housing, 202 426-0035

RIN: 2502-AD53

962. INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Legal Deadline: None.

Abstract: This final rule would interpret Section 104(b) of the Housing and Community Development Technical Amendments of 1984, to authorize the Department's publishing of interest rates for fire safety equipment in nursing homes by Federal Register Notice.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael Phillips, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2502-AC85

963. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

Legal Authority: 12 USC 1715y

CFR Citation: 24 CFR 234

Legal Deadline: None.

Abstract: This rule will revise the requirements for condominium

mortgage insurance. It removes a restriction on eligibility for condominium insurance where an uninsured project is less than a year old, and restricts the availability of unit mortgage insurance in projects converted from rental housing use.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26792
NPRM Comment Period End	08/27/85	50 FR 26792

Next Action Undetermined

Small Entity: No

Additional Information: Includes: FR-1388

Agency Contact: John Coonts, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6270

RIN: 2502-AC79

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964. ADDITIONAL REVISIONS - HOSPITAL INSURANCE (H-24-86; FR-2227)

Significance: Regulatory Program

Legal Authority: 12 USC 1715b; 12 USC 1715z-6; 12 USC 1715z-7

CFR Citation: 24 CFR 241; 24 CFR 242

Legal Deadline: None.

Abstract: This rule includes RIN 2502-AC61, Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84; FR-1992) and RIN 2502-AC64, Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004). In addition, this rule would (1) provide more detail concerning the factors HHS considers in determining the feasibility of a hospital proposal; (2) establish as a condition of eligibility for insurance that a hospital have a projected need for public support that is less than 10 percent of its projects operating income; (3) require a minimum cash investment equal to 10 percent of the estimated cost of construction or rehabilitation; and (4) make several other miscellaneous revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1201
Final Action	08/00/87	

Small Entity: No

Agency Contact: James L. Hamernick, Director, Office of Insured Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD70

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965. TECHNICAL REVISIONS - COINSURANCE FOR THE PURCHASE OR REFINANCING OF MULTIFAMILY HOUSING PROJECTS (H-35-86; FR-2267)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 255

Legal Deadline: None.

Abstract: The rule makes technical corrections in the text of 24 CFR Part 255. No substantive changes are involved.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: James Hamernick, Director, Office of Insured Multifamily Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502-AD73

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966. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-16; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 886

Legal Deadline: None.

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of maintaining availability of units for low- and moderate-income persons. (Changes included in the proposed rule that would conform the rental structure in HUD-owned properties to statutory housing programs are being implemented by separate final rule.)

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	49 FR 40888
Final Action	07/00/87	

Small Entity: No

Agency Contact: Marc Harris, Multifamily Property Disposition Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 755-9280

RIN: 2502-AC68

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967. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Legal Authority: 42 USC 1437o

CFR Citation: 24 CFR 850

Legal Deadline: None.

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	49 FR 24634
Final Action	00/00/00	

Small Entity: No

Agency Contact: Jessica Franklin, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, 202 755-6142

RIN: 2502-AC23

HUD—OH

Final Rule Stage

968. SHARED HOUSING IN THE SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROGRAMS (H-27-86; FR-2239)

Legal Authority: 42 USC 1437f; 42 USC 3535d

CFR Citation: 24 CFR 880; 24 CFR 881

Legal Deadline: None.

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 New Construction and Substantial Rehabilitation projects. A proposed rule that included these types of projects was published in 1984. A final rule was published for one of the programs covered by the proposed rule, the Section 8 Certificate program, on June 11, 1986 (51 FR 21300).

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AD67

969. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Legal Authority: 42 USC 1437f; PL 98-181, Sec 207

CFR Citation: 24 CFR 882.101; 24 CFR 882.102; 24 CFR 882.110; 24 CFR 882.116; 24 CFR 882.118; 24 CFR 882.119; 24 CFR 882.209; 24 CFR 882.210; 24 CFR 882.216; 24 CFR 882.218

Legal Deadline: None.

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Certificate Program. This would enable families to move from the jurisdiction of one PHA to another and would enhance voluntary PHA mobility mechanisms already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	49 FR 41072
Final Action	00/00/00	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-6887

RIN: 2502-AB88

970. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None.

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984. A final rule was published for one of the programs covered by the proposed rule, the Section 8 Certificate program, on June 11, 1986 (51 FR 21300). No effective date has been published yet for that rule, but the Department expects to be ready to implement it by June 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502-AD66

971. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Significance: Agency Priority

Legal Authority: PL 98-479, Sec 102; PL 98-181, Sec 223

CFR Citation: 24 CFR 885

Legal Deadline: None.

Abstract: This rule establishes requirements on prepayment of Section 202 direct loan mortgages and incorporate amendments to programs made by the Housing and Urban-Rural Recovery Act of 1983 and the Technical Amendments Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/86	51 FR 12308
Final Action	07/00/87	

Small Entity: No

Additional Information: Includes: FR-1857

Agency Contact: Robert W. Wilden, Director, Assisted Elderly and Handicapped, Department of Housing and Urban Development, Office of Housing, Housing Division, 202 426-8730

RIN: 2502-AC53

972. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 886

Legal Deadline: None.

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of

HUD—OH

Final Rule Stage

Multifamily Housing Management, 202 426-3944

RIN: 2502-AA41

973. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - HOUSING VOUCHERS (H-42-85; FR-2170)

Significance: Regulatory Program

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 887

Legal Deadline: None.

Abstract: The Department has proposed legislation to make the Housing Voucher Demonstration Program a permanent housing assistance payment program, and currently is developing a final rule based on the Housing Voucher Notices of Funding Availability for Fiscal Years 1984, 1985, and 1986. The rule will enhance the administration of the Housing Voucher Program. If approved as a permanent program, Housing Vouchers would become the principal vehicle for future funding of housing assistance payments under Section 8 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Gerald Benoit, Director, Housing Voucher Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, 202 755-6477

RIN: 2502-AD26

974. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - GENERAL (H-33-86; FR-2276)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None.

Abstract: This action will make final portions of the Manufactured Home Construction and Safety Standards on which changes were proposed in 48 FR 37136, August 16, 1983.

Timetable:

Action	Date	FR Cite
Final Action	08/00/87	

Small Entity: No

Agency Contact: Mark W. Holman, Chief, Standards Branch, Office of Manufactured Hsg & Reg Functions, Department of Housing and Urban Development, Office of Housing, 202 755-6590

RIN: 2502-AD58

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH)

Completed Actions

975. DISCLOSURE OF FINANCIAL INFORMATION TO MORTGAGE PURCHASERS (H-78-84; FR-2014)

Significance: Agency Priority

CFR Citation: 24 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44284
Final Action Effective	03/02/87	52 FR 3795

Small Entity: Undetermined

Agency Contact: Marvin Hillman 202 755-7343

RIN: 2502-AC65

976. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGE INSURANCE AND GRANT PROGRAM (CPD-74-84; FR-2007)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn Assigned a new RIN number: RIN: 2501-AA59	02/11/87	

Small Entity: No

Agency Contact: Walter Prybyla 202 755-6611

RIN: 2502-AC76

977. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

CFR Citation: 24 CFR 200; 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	12/17/86	

Small Entity: Undetermined

Agency Contact: Morris E. Carter 202 755-6720

RIN: 2502-AB24

978. USE OF MATERIALS BULLETIN NO. 48A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PRESSURE TREATED LUMBER AND PLYWOOD (H-17-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2308 (RIN: 2502-AE04).	02/24/87	

Small Entity: No

Agency Contact: Donald R. Fairman 202 755-5718

RIN: 2502-AC98

979. USE OF MATERIALS BULLETIN NO. 71 - POLYSTYRENE FOAM BOARD (H-20-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into FR-2308 (RIN: 2502-AE04).	02/24/87	

Small Entity: Undetermined

Agency Contact: Donald Fairman 202 755-5718

RIN: 2502-AD00

980. USE OF MATERIALS BULLETIN NO. 88 - MAT FORMED PARTICLEBOARD (H-22-85)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn See RIN: 2502-AD92	02/24/87	

Small Entity: No

Agency Contact: Donald Fairman 202 755-5718

RIN: 2502-AD02

981. ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT (H-93-82; FR-1742)

CFR Citation: 24 CFR 203.43c; 24 CFR 203.437

Completed:

Reason	Date	FR Cite
Withdrawn	02/17/87	

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AA61

982. VETERAN QUALIFICATIONS--ELIGIBILITY REQUIREMENTS FOR MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS (H-47-83; FR-1801)

CFR Citation: 24 CFR 203.18

Completed:

Reason	Date	FR Cite
Final Action	02/25/87	52 FR 5533
Final Action Effective	03/26/87	52 FR 5533

Small Entity: No

Agency Contact: Morris E. Carter 202 755-6924

RIN: 2502-AB89

983. SINGLE FAMILY MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS (H-39-84; FR-1928)

Significance: Agency Priority

CFR Citation: 24 CFR 203, et al

Completed:

Reason	Date	FR Cite
Final Action	03/16/87	52 FR 8064

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AC36

984. PAYMENT OF SINGLE FAMILY MORTGAGE INSURANCE WITHOUT CONVEYANCE OF TITLE (H-38-84; FR-1927)

Significance: Regulatory Program

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 228

Completed:

Reason	Date	FR Cite
Final Action	01/13/87	52 FR 1320
Final Action Effective	04/01/87	52 FR 3606

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AC37

985. FHA MORTGAGE INSURANCE ON INDIAN LAND WHERE THE TRIBE IS THE MORTGAGOR (H-8-85; FR-2059)

Significance: Agency Priority

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/87	

Small Entity: No

Agency Contact: John J. Coonts 202 755-6924

RIN: 2502-AC81

986. ELIMINATE PAYMENT OF A REFUND OR DISTRIBUTIVE SHARE PAYMENT FOR MIP TERMINATION DUE TO NONCONVEYANCE ELECTION OF THE MORTGAGEE (H-16-86; FR-2214)

CFR Citation: 24 CFR 0203.283; 24 CFR 0203.423

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44286
Final Action Effective	03/02/87	52 FR 3795

Small Entity: Yes

Agency Contact: Richard Buchheit 202 755-6672

RIN: 2502-AD51

987. ELIGIBILITY REQUIREMENTS FOR MORTGAGEE APPROVAL BY HUD (H-30-86; FR-2252)

CFR Citation: 24 CFR 203.1-9

Completed:

Reason	Date	FR Cite
Final Action	02/05/87	52 FR 3606
Final Action Effective	03/17/87	52 FR 3606

Small Entity: No

Agency Contact: Andrew Zirneklis 202 755-6924

RIN: 2502-AD72

988. ●DEREGULATION OF LOAN ORIGINATION FEES (H-14-87)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

Small Entity: Undetermined

Agency Contact: Morris E. Carter 202 755-6720

RIN: 2502-AD96

989. SINGLE FAMILY COINSURANCE PROGRAM REVISIONS (H-28-80; FR-1094)

CFR Citation: 24 CFR 204

Completed:

Reason	Date	FR Cite
Withdrawn	10/06/86	

Small Entity: No

Agency Contact: Alan J. Kappeler 202 755-3046

RIN: 2502-AB01

990. COOPERATIVE HOUSING MORTGAGE INSURANCE SUBORDINATED SECRETARY-HELD MORTGAGES (H-33-83; FR-1756)

Significance: Agency Priority

CFR Citation: 24 CFR 207; 24 CFR 213

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/87	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy 202 755-6223

RIN: 2502-AB97

991. CHANGE IN DEFAULT NOTICE REPORTING PERIOD - MULTIFAMILY INSURANCE (H-4-84; FR-1842)

CFR Citation: 24 CFR 207

Completed:

Reason	Date	FR Cite
Withdrawn	10/08/86	

Small Entity: No

Agency Contact: James Tahash 202 426-3944

RIN: 2502-AC18

992. AMENDMENTS TO THE SECTION 235 PROGRAM (H-3-85; FR-2037)

CFR Citation: 24 CFR 235

Completed:

Reason	Date	FR Cite
Withdrawn	03/02/87	

Small Entity: No

Agency Contact: John Coonts 202 755-6720

RIN: 2502-AC93

993. MANDATORY MEALS PROGRAMS IN HUD-ASSISTED HOUSING PROJECTS (H-43-85; FR-2179)

Significance: Regulatory Program

CFR Citation: 24 CFR 278

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6300
Final Action Effective	04/01/87	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502-AD27

994. TO EXEMPT LOANS ALREADY COINSURED FROM THE ONE-FOURTH LIMITATION ON COINSURANCE OF PORTFOLIO LOANS (H-2-86; FR-2155)

CFR Citation: 24 CFR 0251.207; 24 CFR 0255.207

Completed:

Reason	Date	FR Cite
Withdrawn	10/07/86	

Small Entity: No

Agency Contact: James Hamernick 202 755-6500

RIN: 2502-AD49

995. HUD-OWNED MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION - RENT SETTING PROVISIONS (H-41-85; FR-2142)

Significance: Agency Priority

CFR Citation: 24 CFR 290.17

Completed:

Reason	Date	FR Cite
Withdrawn	10/06/86	

Small Entity: No

Agency Contact: Marc Harris 202 755-9280

RIN: 2502-AD33

996. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION (H-38-81; FR-1527)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/87	

Small Entity: No

Agency Contact: Louise Kleffner 202 755-6887

RIN: 2502-AA86

997. TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION (H-22-83; FR-1736)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn Merged into FR-2294	02/11/87	

Small Entity: No

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AB47

998. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-PUBLIC HOUSING AGENCY ADMINISTRATIVE FEES (H-12-86; FR-2207)

Significance: Regulatory Program

CFR Citation: 24 CFR 882; 24 CFR 887

Completed:

Reason	Date	FR Cite
Withdrawn	12/03/86	

Small Entity: Undetermined

Agency Contact: Madeline Hasting 202 755-6887

RIN: 2502-AD42

999. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - REQUESTING EXCEPTION RENTS TO THE FAIR MARKET RENTS (H-14-86; FR-2213)

Significance: Regulatory Program

CFR Citation: 24 CFR 882; 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn	01/29/87	

Small Entity: Undetermined

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502-AD44

1000. ●SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM--EXISTING HOUSING CERTIFICATE PROGRAM (H-L5-87)

CFR Citation: 24 CFR 882

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

HUD—OH

Completed Actions

Small Entity: Undetermined

Agency Contact: Madeline Hastings 202 755-6887

RIN: 2502–AE01

1001. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - STANDARDS REVISION (H-30-85; FR-2137)

Significance: Agency Priority

CFR Citation: 24 CFR 3280.3

Completed:

Reason	Date	FR Cite
Final Action	02/12/87	52 FR 4574
Final Action Effective	08/11/87	52 FR 4574

Small Entity: No

Agency Contact: Mark W. Holman 202 755-6584

RIN: 2502–AD10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Prerule Stage

1002. DESIGNATION OF ENTERPRISE ZONES (CPD-11-83; FR-1913)

Significance: Agency Priority

Legal Authority: Rule will follow adoption of Enterprise Zone Legislation.

CFR Citation: 24 CFR 0596

Legal Deadline: None.

Abstract: Provides procedures for nomination of geographic areas by States and Local governments for designation as an enterprise zone by Secretary of HUD. Program intended to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote re-evaluation of distressed areas through tax incentives and actions to reduce regulatory requirements to encourage free enterprise by the private sector within the zones.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Michael T. Savage, Program Advisor, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6300**

RIN: 2506–AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Proposed Rule Stage

1003. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None.

Abstract: This revision would implement 1983 amendments. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, **202 755-6322**

RIN: 2506–AA38

1004. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None.

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-1871**

RIN: 2506–AA66

1005. AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS; ENTITLEMENT PROGRAM (CPD-4-86)

Legal Authority: Yet to be determined

CFR Citation: 24 CFR 0570

Legal Deadline: None.

Abstract: This rule would modify the Entitlement Program rules as necessary to implement changes to the authorization statute which have been

HUD—CPD **Proposed Rule Stage**

proposed for consideration by the Congress.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Local

Agency Contact: James R. Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-9267

RIN: 2506-AA68

1006. COMMUNITY DEVELOPMENT BLOCK GRANTS, URBAN DEVELOPMENT ACTION GRANTS (CPD-9-86)

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: 24 CFR 570.450 to 465

Legal Deadline: None.

Abstract: This rule would implement a legislative revision of the UDAG selection system formula and criteria, and would incorporate technical changes listed in previous semiannual agendas. (The rule depends on law revisions not yet adopted by the Congress.)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Includes: CPD-14-83 (RIN: 2506-AA40)

Affected Sectors: All

Government Levels Affected: Local, Federal

Agency Contact: Michael McMahon, Dir., Policy/Support Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-8227

RIN: 2506-AA72

1007. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84; FR-2102)

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 571.702 (b); 24 CFR 571.302(a)

Legal Deadline: None.

Abstract: This rule would amend the corrective and remedial actions available against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account Letter of Credit in any amounts improperly expended. This amendment would allow the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available. In addition, it would allow alternative, non-cash transfer remedies to prevent a recurrence of the previous problems.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506-AA58

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Final Rule Stage

1008. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None.

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	06/00/87	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA55

1009. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: 42 USC 5307; PL 98-181, Sec 107

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: Would amend 24 CFR 570.402 to update and clarify priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

HUD—CPD **Final Rule Stage**

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-8909

RIN: 2506–AA30

1010. COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS (CPD-6-84; FR-1895)

Significance: Regulatory Program

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570

Legal Deadline: None.

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under Subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period End	12/31/84	49 FR 43852
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, 202 755-9267

RIN: 2506–AA47

1011. ● EMERGENCY SHELTER GRANT PROGRAM (CPD-1-87; FR-2298)

Significance: Regulatory Program

Legal Authority: PL 99-500, Sec 101(g)

CFR Citation: 24 CFR 575

Legal Deadline: Statutory, October 8, 1987. Final rule must be published within one year of date of enactment

Abstract: This rule implements the Emergency Shelter Grant Program enacted in Part C of the Homeless Housing Act of 1986. Under this program HUD initially provides grants to States, metropolitan cities and urban counties and may also provide grants to units of general local government and private nonprofit organizations. These grants are to be used to assist the homeless through (1) renovation, major rehabilitation or conversion of buildings to be used as emergency shelters; (2) provision of essential services; and (3) payment of specified cots related to operating emergency shelters.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45278
Final Action	07/00/87	

Small Entity: No

Agency Contact: James Broughman, Director, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AA74

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions

Office of Community Planning and Development (CPD)

1012. SECTION 312 REHABILITATION LOAN PROGRAM AND COMMUNITY DEVELOPMENT ACTION RELOCATION REQUIREMENTS (CPD-4-85; FR-2151)

CFR Citation: 24 CFR 510; 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	02/05/87	52 FR 3612
Final Action Effective	03/17/87	

Small Entity: Undetermined

Agency Contact: Melvin Geffner 202 755-6336

RIN: 2506–AA65

1013. REMOVAL OF AUTHORITY OF FEDERAL FINANCING BANK TO PURCHASE SECTION 108 GUARANTEED OBLIGATIONS (CPD-5-86; FR-2245)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	03/02/87	52 FR 6140
Final Action Effective	04/01/87	

Small Entity: Undetermined

Agency Contact: Donald I. Patch 202 755-6587

RIN: 2506–AA69

1014. COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES - SELECTION PROCESS (CPD-11-84; FR-2000)

CFR Citation: 24 CFR 571

Completed:

Reason	Date	FR Cite
Final Action	02/18/87	52 FR 4897
Final Action Effective	03/19/87	52 FR 4897

Small Entity: No

Agency Contact: Leroy Gonnella 202 755-6092

RIN: 2506–AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Proposed Rule Stage

1015. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 203

Legal Deadline: None.

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Government National Mortgage Association, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503-AA03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Final Rule Stage

1016. MORTGAGE-BACKED SECURITIES - REVISION TO DATE FOR FIRST MONTHLY PAYMENT TO PRINCIPAL AND INTEREST (GNMA-1-85; FR-2135)

Legal Authority: 12 USC 1719

CFR Citation: 24 CFR 390

Legal Deadline: None.

Abstract: This rule make a technical change in 24 CFR 390 to accommodate the new automated system for handling the issuance of commitments to guarantee mortgage-backed securities. The current rule requires that mortgage in a pool of mortgages backing the issuance of guaranteed securities have a date for the first scheduled monthly payment of principal and interest, or date of purchase from an Association that is no more than twelve months before the date of issuance of the GNMA commitment. This rule revises this requirement to provide that the date for the first scheduled monthly payment of principal and interest could be no more than 24 months before the issue date of the securities. Notice of effective date for the final rule will be published when automated system is operational.

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9845
Final Action	05/00/87	

Small Entity: No

Additional Information: Notice of Effective Date 00/00/87

Agency Contact: Richard W. Dyas, Vice Pres., Office of Mortgage-Backed Secur., Department of Housing and Urban Development, Government National Mortgage Association, 202 755-8772

RIN: 2503-AA04

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Prerule Stage

1017. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

Legal Authority: 42 USC 3601; 42 USC 3535(d); EO 11063

CFR Citation: 24 CFR 100; 24 CFR 108; 24 CFR 200

Legal Deadline: None.

Abstract: The rule would clarify when the certificate of intent not to market housing is to be submitted, and that the notice of intent to begin marketing is part of an owner's responsibility under the Affirmative Fair Housing Marketing Plan. Rule would also require that owners of FHA-insured, unsubsidized projects annually submit data on the race, ethnicity and gender of heads of households.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Peter Kaplan, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards and Evaluation, 202 755-7727

RIN: 2529-AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1018. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None.

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA28

1019. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 111; 24 CFR 120

Legal Deadline: None.

Abstract: Although OMB Circulars A-102 and A-87 are applicable, by their language, to grant recipients under the Federal Housing Assistance Program, and although OMB Circulars A-110 and A-122 are applicable to grant recipients under the Community Housing Resource Board Program, the regulations governing these programs do not mention the applicability of the respective OMB Circulars. HUD therefore is proposing to amend the regulations for these two programs to specify the applicability of the respective OMB Circulars to grant recipients under these programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Previously listed as 2535-AA11.

Agency Contact: Charles M. Farbstein, Asst. General Counsel for Equal Opportunity, Office of Equal Opportunity & Admin. Law, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5570

RIN: 2529-AA30

1020. ● FAIR HOUSING ASSISTANCE PROGRAM; PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-87)

Legal Authority: 42 USC 3601; 42 USC 3535(d)

CFR Citation: 24 CFR 111

Legal Deadline: None.

Abstract: The current program description and eligibility criteria are too restrictive to permit the flexibility needed by the Assistant Secretary to implement improvements in the program based upon experience. Proposed revisions would make the descriptions more general to give the Assistant Secretary more funding options in methods of distributing the noncompetitive and competitive funding.

Timetable:

Action	Date	FR C,te
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Thomas J. Jankowski, Dir., Ofc of Hsg Enforcement & Sec. 3 Compl., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6636

RIN: 2529-AA32

1021. ● RECOGNITION OF JURISDICTION WITH SUBSTANTIALLY FAIR HOUSING LAWS (FHEO-1-87)

Legal Authority: 42 USC 3610; 42 USC 3535(d)

CFR Citation: 24 CFR 115

Legal Deadline: None.

Abstract: Some of the Sections in this Regulation need to be changed to add definitions, set out specific issues and examples that qualify as acceptable/unacceptable under the rule; and clarify time frames. The proposed revisions will make application and recognition procedures easier for the Department relative to implementation. Agencies presently recognized will not be affected. However, agencies in the interim recognition stage may be affected.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	
NPRM Comment Period End	12/01/87	

Small Entity: Undetermined

Agency Contact: Thomas J. Jankowski, Dir., Ofc of Hsg Enforcement & Sec. 3 Compl., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6636

RIN: 2529-AA31

1022. AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Legal Authority: 42 USC 3601 to 3619

CFR Citation: 24 CFR 120

Legal Deadline: None.

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR Part 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: Nathaniel K. Smith, Director, Housing and Community Development Div., Office of Voluntary Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5992

RIN: 2529-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Final Rule Stage

1023. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 8

Legal Deadline: None.

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information:

Proposed rule published 04/19/78 43 FR 16652

Interim rule published 05/06/83 48 FR 20638

Republished 05/18/83 48 FR 22470

Effective date revoked 06/15/83 48 FR 27528

(Interim rule was thereafter treated as a proposed rule.)

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529-AA26

1024. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR 2012)

Significance: Regulatory Program

Legal Authority: 42 USC 3601 to 3619; 42 USC 3535(d)

CFR Citation: 24 CFR 105

Legal Deadline: None.

Abstract: This rule would amend 24 CFR Part 105, which governs the processing of complaints under section 810 of the Fair Housing Act. The rule would reorganize Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints, to make a determination to resolve matters raised in complaints, and to try to eliminate and correct alleged discriminatory housing practices.

Timetable:

Action	Date	FR Cite
NPRM	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	49 FR 40528
Final Action	05/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Equal Opportunity, 202 755-5570

RIN: 2529-AA24

1025. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

Legal Authority: 42 USC 6101

CFR Citation: 24 CFR 146

Legal Deadline: None.

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
Final Action	12/17/86	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Myra B. Kennedy, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, 202 755-5904

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

1026. FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES (FH&EO-10-78)

CFR Citation: 24 CFR 114

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/87	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Prerule Stage

1027. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None.

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

HUD—OA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Peggy A. Grant, Acting Dir., Mortgage Insurance Accnt.&Serv., Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-5645

RIN: 2535-AA01

1028. OMB CIRCULAR A-102, UNIFORM REQUIREMENT FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (ADM-1-86, FR-2178)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0045

Legal Deadline: None.

Abstract: In tandem with the government-wide rule to be issued by OMB, this rule would promulgate standards for the administration of grants to State and local governments and to federally recognized Indian tribal government.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Policy & Evaluation Division, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535-AA13

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Proposed Rule Stage

1029. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Legal Authority: 42 USC 3535(d); 42 USC 6962

CFR Citation: 24 CFR 570; 24 CFR 207

Legal Deadline: None.

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Final Rule Stage

1030. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

Legal Authority: 40 USC 486(c); 42 USC 3535(d)

CFR Citation: 48 CFR Chap. 24

Legal Deadline: None.

Abstract: The rule would add Part 2452, Solicitation Provisions and Contract Clauses and Part 2453, Forms. When the original HUDAR was published in March, 1984, solicitation provisions and contract clauses were incorrectly placed, and no HUD forms were included at all.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535-AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Completed Actions

1031. HUD ACQUISITION REGULATION (ADM-2-84; FR-2098)

CFR Citation: 48 CFR 24

Completed:

Reason	Date	FR Cite
Final Action	11/06/86	51 FR 40331
Final Action Effective	03/02/87	52 FR 3663

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr. 202 755-5294

RIN: 2535-AA06

1032. OMB CIRCULARS REGARDING GRANT MANAGEMENT AND COST PRINCIPLES (ADM-1-85; FR-2044)

CFR Citation: 24 CFR 44

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi 202 755-5294

RIN: 2535-AA08

HUD—OA

Completed Actions

1033. DISCRETIONARY GRANT AND COOPERATIVE AGREEMENT POLICIES AND PROCEDURES (ADM-5-86; FR-2107)

CFR Citation: 24 CFR 65

Completed:

Reason	Date	FR Cite
Withdrawn Changed to a Statement of Policy	01/16/87	

Small Entity: No

Agency Contact: Gladys G. Gines 202 755-5294

RIN: 2535-AA14

1034. AUDIT REQUIREMENTS FOR THE FAIR HOUSING ASSISTANCE PROGRAM AND THE COMMUNITY HOUSING RESOURCE BOARDS (FH&EO-1-86; FR-2140)

CFR Citation: 24 CFR 111; 24 CFR 120

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/87	

Small Entity: No

Agency Contact: Charles M. Farbstein 202 755-5570

RIN: 2535-AA11

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1035. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2138)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Legal Deadline: None.

Abstract: This would make miscellaneous amendments to the existing Turnkey III program regulations to facilitate program administration and to allow flexibility to address specific local problems. The amendments will clarify appropriate procedures to use when existing occupants are eligible to become homebuyers to facilitate the actual sales of the units.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, 202 755-6713

RIN: 2577-AA34

1036. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Legal Authority: 25 USC 450e(b)

CFR Citation: 24 CFR 905

Legal Deadline: None.

Abstract: This rule will constitute a consolidation of relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as these affect the Indian housing programs. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory package governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: John V. Meyers, Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577-AA32

1037. PREEMPTION OF CERTAIN STATE-DETERMINED PREVAILING WAGE RATES APPLICABLE TO PUBLIC AND INDIAN HOUSING PROJECTS (P-6-86; FR-2231)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 905.211

Legal Deadline: None.

Abstract: This rule would make State-determined prevailing wage rates inapplicable to Public and Indian Housing projects if these wage rates exceed by ten percent the applicable federally-determined prevailing wage rates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Nancy S. Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA42

1038. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None.

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and that is within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

HUD—PIH

Proposed Rule Stage

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577-AA07

1039. PUBLIC AND INDIAN HOUSING - APPLICATION PROCESSING PROCEDURES (P-10-86; FR-1946)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 941

Legal Deadline: None.

Abstract: Part 941 contains the procedures for the development of public housing. This proposed rule would amend these application procedures to reflect the requirements of Section 201(c) of the Housing and Urban-Rural Recovery Act of 1983. This section amended Section 6 of the United States Housing Act of 1937 by adding new subsections 6(h), (i) and (j).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Ray Hamilton, Director, Development Division, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0938**

RIN: 2577-AA44

1040. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None.

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This proposed rule would amend Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577-AA40

1041. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 905

Legal Deadline: None.

Abstract: This proposed rule would amend the Comprehensive Improvement Assistance Program and the Indian Housing Program regulations to reflect the repeal of Section 6(b) of the United States Housing Act. Section 6(b) limits dwelling construction and equipment costs for various areas of the country. This proposed rule will also amend the regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4349
NPRM Comment Period End	04/13/87	52 FR 4349

Small Entity: No

Additional Information: This proposed rule was split off from FR-2191.

Government Levels Affected: Local

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA43

1042. DISALLOWANCE OF LEGAL EXPENSES FOR SUITS AGAINST HUD (P-2-85; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None.

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA33

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Final Rule Stage

1043. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

Significance: Regulatory Program

Legal Authority: 42 USC 1437d; PL 99-160

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Legal Deadline: None.

Abstract: This proposed rule will amend Public housing development regulations to reflect the repeal of Sec. 6(b) of the United States Housing Act. Sec. 6(b) limits on dwelling construction and equipment cost for the different areas of the country. The proposed rule will also amend these regulations to incorporate new cost containment procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/24/86	51 FR 33904
Final Action	06/00/87	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

HUD—PIH **Final Rule Stage**

Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA37

1044. REVISED OCCUPANCY POLICIES IN PUBLIC AND INDIAN HOUSING (P-7-86; FR-2240)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 913; 24 CFR 960; 24 CFR 912

Legal Deadline: None.

Abstract: This final rule is based on a proposed rule entitled "Shared Housing and Revised Occupancy Policies" for certain Section 8 programs as well as for public housing. That proposed rule was published on December 7, 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005
Final Action	05/00/87	

Small Entity: No

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

Office of Public and Indian Housing, **202 755-6713**

RIN: 2577-AA41

1045. PUBLIC HOUSING -- TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Regulatory Program

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None.

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	
Final Action	05/31/87	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577-AA18

1046. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None.

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from mastermetered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entity: No

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6649**

RIN: 2577-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH)

Completed Actions

1047. INDIAN PREFERENCES (P-51-83; FR-1808)

Significance: Regulatory Program

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
Final Action	12/04/86	51 FR 43734
Final Action Effective	03/15/87	51 FR 43734

Small Entity: No

Agency Contact: John V. Meyers 202 755-1015

RIN: 2577-AA26

1048. TENANT PARTICIPATION IN MANAGEMENT OF PUBLIC AND INDIAN HOUSING PROJECTS (P-1-85; FR-2033)

Significance: Regulatory Program

CFR Citation: 24 CFR 964; 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	12/08/86	51 FR 44055
Final Action Effective	03/02/87	52 FR 3795

Small Entity: No

Agency Contact: Janice D. Rattley 202 755-1800

RIN: 2577-AA30

1049. PERFORMANCE FUNDING SYSTEM - ELIMINATION OF INFLATION FACTOR FOR FISCAL YEAR 1987 (P-3-86; FR-2210)

CFR Citation: 24 CFR 990.105

Completed:

Reason	Date	FR Cite
Withdrawn Closed - unnecessary because full funding received for FY 1987.	01/30/87	

Small Entity: No

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA36

[FR Doc. 87-6608 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1987. An agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1987 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

DATED: March 2, 1987.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary of the Interior.

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1050	Department of the Interior - Nonprocurement Debarment and Suspension Regulation	1090-AA12
1051	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	1090-AA11
1052	Department of the Interior Acquisition Regulation (FAR)	1090-AA10
1053	Department of the Interior Acquisition Regulation	1090-AA14
1054	Department of the Interior Acquisition Regulation	1090-AA13

Assistant Secretary for Policy, Budget, and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1055	Natural Resource Damage Assessment - Type A Procedures	1090-AA07
1056	Department of the Interior Acquisition Regulation	1090-AA08

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1057	Practices Before the Department	1092-AA00
1058	Records and Testimony	1092-AA02
1059	Trans-Alaska Pipeline Liability Fund	1092-AA03

DOI

Office for Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1060	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1091-AA00
1061	Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs	1091-AA01

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1062	Department Hearings and Appeals Procedures	1094-AA26
1063	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31
1064	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA10
1065	Tribal Acquisition of Interests Under Special Statute	1094-AA08
1066	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25
1067	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1068	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA01
1069	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA28
1070	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA29
1071	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA15

Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1072	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA11
1073	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA16
1074	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA17
1075	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA13
1076	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA20

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1077	Migratory Bird Hunting	1018-AA24
1078	Subsistence Take of Migratory Birds in Alaska	1018-AB03

DOI

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1079	Injurious Wildlife - Mitten Crabs	1018-AB04
1080	Endangered and Threatened Wildlife and Plants	1018-AA10
1081	Incidental Taking of Marine Mammals by Commercial Fishing Operations	1018-AA96
1082	Marine Mammal Protection Act and Endangered Species Act Revisions	1018-AB05
1083	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1084	Public Entry and Use	1018-AA36
1085	Hunting	1018-AA71

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1086	Humane Transport of Wild Animals and Birds	1018-AA07
1087	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1088	Endangered and Threatened Wildlife and Plants	1018-AA84
1089	Endangered and Threatened Wildlife and Plants	1018-AA85
1090	Southern Sea Otter Experimental Population	1018-AA87
1091	Endangered and Threatened Wildlife and Plants	1018-AA95
1092	Endangered and Threatened Wildlife and Plants	1018-AA98
1093	Endangered and Threatened Wildlife and Plants	1018-AB02
1094	Endangered and Threatened Wildlife and Plants	1018-AB06
1095	Marine Mammals	1018-AA20
1096	Subsistence Take of Migratory Birds	1018-AA92
1097	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1098	National Wildlife Refuges	1018-AA35
1099	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97

United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1100	Mineral Rights Reserved and Excepted	1018-AA86
1101	Federal Aid in Fish and Wildlife Restoration--Interest Earned on License Fees	1018-AB00
1102	Alaska National Wildlife Monuments	1018-AA55
1103	Alaska National Wildlife Monuments: Minerals Management	1018-AA56

National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1104	Applicability and Scope	1024-AB64
1105	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1106	Appraisal Authority Under the Land and Water Conservation Fund State Grant Program	1024-AB68
1107	National Park Service Acquisition Regulation	1024-AB35

DOI

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1108	Upper Delaware SRR: Fishing	1024-AA87
1109	Appalachian National Scenic Trail	1024-AB07
1110	Yellowstone National Park: Fishing Regulations	1024-AB57
1111	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1112	Canyon De Chelly National Monument	1024-AB47
1113	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1114	Mammoth Cave NP: Fishing	1024-AA94
1115	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1116	Rocky Mountain NP: Mountain Climbing and Winter Use	1024-AB16
1117	Rocky Mountain National Park: Fishing Regulations	1024-AB46
1118	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1119	Delaware Water Gap NRA: Fishing	1024-AA98
1120	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1121	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1122	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1123	Management of Mining Claim Activities	1024-AB37
1124	NPS Units in Alaska: Concessions	1024-AB18
1125	Fire Island National Seashore: Zoning	1024-AA80
1126	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1127	Curation of Federally Owned and Administered Archeological Collections	1024-AB13
1128	Cemetery Sites and Historical Places	1024-AA84

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1129	Vehicles and Traffic Safety	1024-AB06
1130	Discrimination in Employment Practices and Furnishing Public Services	1024-AB65
1131	Fire Island National Seashore: Off-Road Vehicles	1024-AA14
1132	Shenandoah National Park: Fishing Regulations	1024-AB51
1133	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1134	Blue Ridge Parkway: Commercial Vehicles	1024-AB36
1135	Buffalo National River: Fishing Regulations	1024-AB49
1136	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1137	Everglades NP: Mining	1024-AB10
1138	Lake Mead National Recreation Area: Noise Abatement Exemption	1024-AB50
1139	Lake Chelan NRA: Target Practice	1024-AB19
1140	Ross Lake NRA: Target Practice	1024-AB28
1141	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1142	NPS Units in Alaska: Closure Regulations	1024-AA71
1143	National Register of Historic Places	1024-AA44
1144	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46
1145	Archeological Resources Protection Act; Department of the Interior Supplemental Regulations	1024-AA83

National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1146	Criteria for Determinations of Adverse Impact Under Section 165(d)(2)(C)(ii) and (iii) of the Clean Air Act	1024-AB40
1147	General Provisions; Resource Protection, Public Use and Recreation; Boating and Water Use Activities	1024-AB09
1148	Wildlife Protection	1024-AB62
1149	New River Gorge NR: Hunting	1024-AA86
1150	New River Gorge NR: Fishing	1024-AA88
1151	Canaveral National Seashore: Public Nudity Regulation	1024-AB52
1152	Lake Meredith Recreation Area - Firearms Regulations	1024-AB56
1153	Rocky Mountain NP: Winter Backcountry Trips	1024-AB17
1154	Delaware Water Gap National Recreation Area: Commercial Vehicle Regulations	1024-AB53

DOI

National Park Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1155	Buck Island Reef NM: Fishing	1024-AA93
1156	Buck Island Reef NM: Submerged Features	1024-AA97
1157	Virgin Islands NP: Boating	1024-AB00
1158	Virgin Islands NP: Fishing	1024-AB01
1159	Padre Island National Seashore: Hunting	1024-AB22
1160	Whiskeytown National Recreation Area Parasailing Regulations	1024-AB60
1161	National Capital Region: Special Regulations	1024-AB29
1162	Minerals Management Nonfederal Oil and Gas Rights	1024-AB39
1163	Minerals Management Nonfederal Rights Other Than Oil and Gas	1024-AB55
1164	National Natural Landmarks	1024-AB41
1165	Transportation and Utility Systems in Alaska	1024-AA58

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1166	Indian Education Policies	1076-AB64
1167	Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina	1076-AB54
1168	Regulations for Pro Rata Shares of Tribal Funds	1076-AB65
1169	Distribution of Judgement Funds Awarded to the Osage Tribe of Indians in Oklahoma	1076-AB66
1170	Procedures for Depositing Funds to the Credit of 14X6140- Deposits of Proceeds of Lands Withdrawn for Native Selection, BIA	1076-AB67
1171	Land Records and Title Documents	1076-AB68
1172	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AB79

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1173	Appeals from Administrative Actions	1076-AB21
1174	Law Enforcement Expenditures	1076-AB97
1175	The Indian Police	1076-AB98
1176	Financial Assistance and Social Services Program	1076-AB92
1177	Financial Assistance and Social Services Program	1076-AB99
1178	Care of Indian Children in Contract Schools	1076-AB76
1179	Federal Schools For Indians (Revision)	1076-AB47
1180	Education Personnel	1076-AB02
1181	Indian School Equalization Program	1076-AA09
1182	The Indian School Equalization Program (New School Starts, Program Expansions, School Closures, Consolidations, and Program Reductions)	1076-AB48
1183	Administration of the Higher Education Program	1076-AA10
1184	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1185	Administration of the Indian Adult Education Programs	1076-AA15
1186	Enrollment Appeals	1076-AB95
1187	Use or Distribution of Indian Judgment Funds	1076-AB20
1188	Loans to Indians from the Revolving Loan Fund	1076-AC00
1189	Revolving Cattle Pool	1076-AC02
1190	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1191	Annuity and Other Per Capita Payments	1076-AB45
1192	Individual Indian Money Accounts	1076-AB91
1193	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1194	Land Acquisitions	1076-AA81
1195	Issuance of Patents in Fee, Certificates of Competency, Removal of Restrictions, and Sale of Certain Indian Lands	1076-AB90
1196	Navajo Grazing Regulations	1076-AA33
1197	Roads of the Bureau of Indian Affairs	1076-AB05
1198	Colorado River Irrigation Project, Arizona	1076-AC04
1199	Life Estates and Future Interests	1076-AC06

DOI

Bureau of Indian Affairs—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1200	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1201	Leasing of Osage Reservation Lands, Oklahoma, for Mining Except Oil and Gas	1076-AB42
1202	Heritage Preservation	1076-AA45
1203	Contracts Under Indian Self-Determination Act (Subpart H - New School Starts and Program Expansions)	1076-AB49
1204	Subchapter M -- Indian Self-Determination and Education Assistance Act Programs	1076-AB62
1205	Contracts Under Indian Self-Determination Act	1076-AC05
1206	Uniform Administrative Requirements for Contracts and Grants	1076-AA52
1207	Special Grants for Economic Development and Core Management Grants to Small Tribes.; Subpart B - Special Grants for Economic Development	1076-AB94
1208	Indian Business Development Program	1076-AA55
1209	Tribal Gaming Management Contracts	1076-AC07
1210	Buy Indian Act Contracting	1076-AA56

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1211	Safety Code Compliance	1076-AB61
1212	Law and Order on Indian Reservations	1076-AA01
1213	Enrollment of Indians of the San Pasqual Band of Mission Indians in California	1076-AB59
1214	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1215	Rights-of-Way Over Indian Lands	1076-AB89
1216	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1217	Leasing of Allotted Lands for Mining	1076-AA39
1218	Operation, Reclamation and Conservation on Mineral Lands	1076-AA40
1219	Oil and Gas Mineral Agreements	1076-AA82
1220	Wind River Reservation Game Code	1076-AB43
1221	Fraser River Convention Sockeye and Pink Salmon Fishery	1076-AC03
1222	Indian Fishing: Hoopa Valley Indian Reservation	1076-AA83

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1223	Preference in Employment	1076-AB60
1224	Reallotment of Lands to Unallotted Indian Children	1076-AB70
1225	Lead and Zinc Mining Operations and Leases, Quapaw Agency	1076-AB75
1226	Management of Tribal Assets of Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp	1076-AB78
1227	Leasing of Certain Lands in Wind River Indian Reservation, Wyoming, for Oil and Gas Mining	1076-AB80
1228	Contracts under Indian Self-Determination and Education Assistance Act	1076-AA47
1229	Grants Under Indian Self-Determination and Education Assistance Act	1076-AA48

Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1230	Administration of 20 Percent Set Aside	1010-AA73
1231	Assessments for Incorrect or Late Reports and Failure to Report	1010-AB08
1232	Air Quality	1010-AA61

DOI

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1233	Valuation of Oil for Royalty Purposes from Federal and Indian Leases	1010-AA30
1234	Valuation of Gas and Gas Products for Royalty Purposes, from Federal and Indian Leases	1010-AA54
1235	Valuation of Coal for Royalty Purposes from Federal and Indian Leases	1010-AA83
1236	Change Effective Date of Adopted Modifications to NTL-5	1010-AB09
1237	Providing Information Claiming Rewards under the Federal Oil and Gas Royalty Management Act of 1982	1010-AB02
1238	Threshold Requirement for Payments by Electronic Funds Transfer	1010-AB03
1239	Data and Information to be Made Available to the Public	1010-AB07
1240	Prospecting for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA71
1241	Extension of Protection of Proprietary Data and Information Until a Subsequent Lease Sale in an Area	1010-AA93
1242	Supplemental Sales	1010-AB05
1243	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87
1244	Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA82
1245	Development and Production Operations for Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA81

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1246	Oil and Gas and Sulphur Operations on the Outer Continental Shelf (OCS)	1010-AA53
1247	Accidents, Fires, and Malfunctions Fact-Findings Proceedings	1010-AA88
1248	Report of Cessation of Production	1010-AB04

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1249	Computation of Oil and Gas Transportation Allowance	1010-AA45
1250	Computation of Gas Processing Deductions	1010-AA46
1251	Product Valuation Waste Prevention; Beneficial Use	1010-AB01
1252	Royalty-in-Kind Crude Oil	1010-AA31
1253	Direct Payment of Royalties to Indian Tribes or Allottees	1010-AA78
1254	Removal of Postproduction Platforms	1010-AA66
1255	Safety and Pollution Prevention Equipment	1010-AA96
1256	Borehole Abandonment	1010-AA98
1257	Outer Continental Shelf: Notice of Sale	1010-AB06
1258	Appeals Procedures	1010-AA68

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1259	Termination of Jurisdiction Under SMCRA	1029-AB07
1260	Surface Coal Mining Operations; Definition of In Connection With	1029-AB08
1261	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1262	Permanent Program Performance Standards; Surface and Underground Activities; Roads	1029-AA60
1263	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1264	Permanent Regulatory Program Definitions	1029-AA84
1265	Permanent Regulatory Program Definition of Support Facilities	1029-AA94
1266	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1267	Exemption for Coal Extraction Incidental to Government Financed Construction	1029-AA58
1268	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92

DOI

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1269	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Federal Program for A State; Procedural Requirements	1029-AA71
1270	Federal Lands Program	1029-AA76
1271	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1272	Definition and Criteria for Valid Existing Rights	1029-AA77
1273	Lands Unsuitable Regulations	1029-AA90
1274	Substantial Legal and Financial Commitment	1029-AB01
1275	Unsuitability Petition Process	1029-AB00
1276	Permanent Regulatory Program - Ownership Information	1029-AA96
1277	Permanent Regulatory Program; Requirements for Permits, Information on Hydrologic Impacts	1029-AB11
1278	Permanent Regulatory Program - Mountaintop Removal	1029-AA97
1279	Requirements for Permits for Special Categories of Mining; Experimental Practices	1029-AB06
1280	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1281	Permanent Program Performance Standards; Surface and Underground Mining Activities; Backfilling and Grading	1029-AA57
1282	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02
1283	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1284	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities -- Revegetation	1029-AA86
1285	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities - Impoundments	1029-AA79
1286	Special Permanent Program Performance Standards; Operations on Prime Farmland	1029-AA64
1287	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Programs; Permanent Program Inspection and Enforcement Procedures	1029-AA67
1288	Collection of AML Fees - Moisture Content of Coal	1029-AB03
1289	Abandoned Mine Land Funding - Eligibility of Land Reaffected by Mining	1029-AA95
1290	California Federal Program	1029-AB05

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1291	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program-Ownership And Control	1029-AA56
1292	Permanent Regulatory Program; Definition of Coal Preparation Plants	1029-AA73
1293	Permanent Program Performance Standards Definitions, Previously Mined Areas	1029-AA88
1294	Individual Civil Penalties	1029-AA81
1295	Criteria for Designating Areas as Unsuitable for Mining Operations Fragile and Historic	1029-AA62
1296	Requirements For Permits and Permit Processing; Permit Applications Minimum Requirements For Legal Financial Civil Penalties	1029-AA66
1297	Requirements for Permits and Permit Processing	1029-AA87
1298	Surface Mining Permit Applications; Minimum Requirements for Information on Environmental Resources	1029-AA74
1299	Requirement to Release Performance Bonds	1029-AA91
1300	Permanent Program Performance Standards Underground Mining Activities - Hydrologic Balance Protection	1029-AA75
1301	State-Federal Cooperative Agreements	1029-AA40

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1302	Subchapter A - General, Applicability	1029-AA89
1303	Permanent Regulatory Program; Definition of Adverse Physical Impact	1029-AA52
1304	Restriction on Financial Interests of State Employees	1029-AA41
1305	Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs	1029-AA42
1306	Permanent Program Performance Standards and Permit Application Minimum Requirements - Underground Mining Activities Subsidence Control	1029-AA63
1307	Reclamation on Private Land	1029-AA68

DOI

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1308	Off-Road Vehicle Use	1006-AA06
1309	Acreage Limitation Rules and Regulations	1006-AA16

Bureau of Reclamation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1310	Acreage Limitation: Revised Proposed Rules and Regulations	1006-AA15

Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1311	Newlands Reclamation Project, NV; Truckee River Storage Project, NV; & Washoe Reclamation Project; NV-CA (Truckee & Carson River Basins, CA-NV); Pyramid Lake Indian Reservation, NV, ETC	1006-AA08

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1312	Public Land Records	1004-AA77
1313	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1314	Exchanges - General Procedures	1004-AB28
1315	Land Classification	1004-AB19
1316	Indian Allotments	1004-AB10
1317	Rights-of-Way, Principles and Procedures	1004-AB00
1318	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1319	Recreation and Public Purposes Act Leases	1004-AA73
1320	Leases, Permits and Easements	1004-AB29
1321	Exploration Activity; Oil and Gas Leasing	1004-AA97
1322	Exploration Activity; Oil and Gas Leasing, Oil and Gas Leasing - National Petroleum Reserve - Alaska; Geothermal Resource Leasing - General	1004-AB13
1323	Oil and Gas Leasing	1004-AB30
1324	Oil and Gas Leasing - Fees, Rentals and Royalties	1004-AB31
1325	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1326	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1327	Onshore Oil and Gas Operations - Onshore Oil and Gas Order Number 4-Measurement of Crude Oil	1004-AA96
1328	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1329	Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1330	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1331	Geothermal Resource Operations	1004-AB18
1332	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1333	Competitive Leasing; Environment	1004-AB25
1334	Noncompetitive Leases	1004-AB33
1335	Onshore Oil and Gas Order No. 5 - Measurement of Natural Gas	1004-AB22
1336	Operating Regulations for Exploration, Development and Production	1004-AA68
1337	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1338	Grazing Administration - Exclusive of Alaska	1004-AB23
1339	Protection of Special Status Plants	1004-AB09
1340	Cultural Resource Management	1004-AA69
1341	Paleontology	1004-AA27
1342	Recreation: General	1004-AA35

DOI

Bureau of Land Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1343	Off-Road Vehicles	1004-AB26
1344	Cadastral Survey	1004-AB07
1345	Unauthorized Use of Public Lands	1004-AA38

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1346	Opening and Closing Lands	1004-AA78
1347	Alaska State Selection	1004-AA12
1348	Rights-of-Way: Principles and Procedures	1004-AA17
1349	Rights-of-Way; Principles and Procedures; Oil and Natural Gas Pipelines and Related Facilities, General	1004-AA74
1350	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB17
1351	Use Authorizations; Special Recreation Permits	1004-AA36

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1352	Desert Land Entries	1004-AB11
1353	Airport Leases	1004-AA49
1354	Onshore Oil and Gas Operations - Noncompliance and Assessments	1004-AB05
1355	Coal Management Provisions and Limitations	1004-AB27

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1356	Natural Resource Damage Assessments	1093-AA04

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1357	Natural Resource Damage Assessment - Type B Amendments	1093-AA05

DEPARTMENT OF THE INTERIOR (DOI)

Proposed Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1050. DEPARTMENT OF THE INTERIOR - NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: 5 USC 301; EO 12549

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This notice of proposed rulemaking proposes common regulations implementing the Office of Management and Budget guidelines which prescribe the scope, government criteria, minimum due process procedures, and other guidance for a system for nonprocurement debarment or suspension of a nonprocurement program participant and will have governmentwide effect.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Washington, DC 20240, **202 343-6431**

RIN: 1090–AA12

1051. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: 31 USC 501 et seq; 16 USC 452; EO 11541; 31 USC 6503 to 6504; Act of 1968; 16 USC 831h; 31 USC 6301; 5 USC 301; 24 USC 278; 31 USC 701 et seq as amended; 40 USC 474 et seq; 41 USC 5 et seq

CFR Citation: 43 CFR Not yet determined

Legal Deadline: None.

Abstract: This Notice of Proposed Rulemaking proposes common regulations establishing consistency and uniformity among Federal agencies in the administration of grants to State, local, and federally recognized Indian tribal governments.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Colonel C. Armstrong, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-6431**

RIN: 1090–AA11

1052. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA10

1053. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA14

1054. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None.

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Opdyke, Chief, Division of Acquisition and Grants, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA13

DEPARTMENT OF THE INTERIOR (DOI)

Completed Actions

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1055. NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE A PROCEDURES

Significance: Regulatory Program

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, February 4, 1987. Statutory deadline 12/11/82. Judicial deadlines require NPRM by 05/05/86 and final rule by 02/04/87.

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of

regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	48 FR 1084
ANPRM - second. Comment summary; comment period reopened to 08/31/83	08/31/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	05/05/86	
Final Rule Submitted to Federal Register	02/03/87	
Final Action	03/20/87	52 FR 9042

Small Entity: No

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets, NW, Washington, DC 20240, 202 343-1301

RIN: 1090-AA07

1056. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None.

Abstract: This rule will implement changes made in the FAR as a result of the Competition in Contracting Act of 1984, P.L. 98-369.

Timetable:

Action	Date	FR Cite
NPRM	04/01/86	51 FR 11075
Final Action	11/20/86	51 FR 41964
Final Action Effective	12/22/86	

Small Entity: No

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090-AA08

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Solicitor (OSOL)

Proposed Rule Stage

1057. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None.

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan Howard, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA00

1058. RECORDS AND TESTIMONY

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Legal Deadline: None.

Abstract: The Department's regulation will be amended to incorporate amendments to the FOIA made by the FOIA Reform Act of 1986, P.L. 99-570, and to update and clarify provisions that have been in effect since 1975.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	
NPRM Comment Period End	04/15/87	
Final Action	04/27/87	

Small Entity: No

Agency Contact: John D. Trezise, Assistant Solicitor, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092-AA02

1059. TRANS-ALASKA PIPELINE LIABILITY FUND

Legal Authority: 43 USC 1653(c); 33 USC 1321(p)(1),(2)

CFR Citation: 43 CFR 29

Legal Deadline: None.

Abstract: These regulations, which supervise and administer the Fund provided for by Sec. 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 USC Sec 1653(c) will be amended to eliminate inconsistencies between the existing regulations and the Act, clarify language which has been found to be confusing, delete provisions that are no longer necessary, and provide a more efficient process for filing and considering claims made against the Fund.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	

Small Entity: No

Agency Contact: Robert H. Moll, Attorney-Advisor, Department of the Interior, Office of the Solicitor, Washington, DC 20240, 202 343-5216

RIN: 1092-AA03

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

1060. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None.

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 976
Begin Review	08/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, **202 343-3455**

RIN: 1091-AA00

1061. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF THE INTERIOR PROGRAMS

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart E

Legal Deadline: Judicial. The Court asked that the rules be published as quickly as possible.

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	09/11/85	50 FR 37006
NPRM Comment Period End	11/11/85	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Joseph A. Canedo, Departmental Section 504 Program Manager, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, **202 343-7494**

RIN: 1091-AA01

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1062. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None.

Abstract: Rulemaking is being proposed to make express provision for in camera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA26

1063. ● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None.

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Kathryn Lynn, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3816**

RIN: 1094-AA31

1064. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Legal Deadline: None.

Abstract: The proposed rulemaking will revise existing rules relating to time

limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA10

1065. TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Legal Deadline: None.

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, **703 235-3810**

RIN: 1094–AA08

1066. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None.

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA25

1067. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None.

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA30

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1068. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Legal Deadline: None.

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36414
NPRM Comment Period End	11/10/86	51 FR 36414
Final Action	04/00/87	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Attorney Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA01

1069. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations will be proposed to add procedures for the assessment of individual civil penalties under 30 USC 1268(f).

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46846
NPRM Comment Period End	02/23/87	51 FR 46846
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA28

DOI—OHA

Final Rule Stage

1070. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 et seq, Subpart L

Legal Deadline: None.

Abstract: Regulations are being proposed to add procedures for hearings and appeals under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits).

Timetable:

Action	Date	FR Cite
NPRM	10/02/86	51 FR 35248
NPRM Comment Period End	11/03/86	51 FR 35248
Final Action	03/00/87	

Small Entity: Undetermined

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA29

1071. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b); 43 CFR 4.236; 43 CFR 4.320(c); 43 CFR 4.323

Legal Deadline: None.

Abstract: The agency is proposing that the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28846
NPRM Comment Period End	10/14/86	51 FR 28846
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA15

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1072. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.208, (New)

Legal Deadline: None.

Abstract: The agency is investigating whether there is need for a new rule relating to disclaimers of devises under Indian wills.

Timetable:

Action	Date	FR Cite
NPRM	05/19/86	51 FR 18345
NPRM Comment Period End	06/18/86	51 FR 18345
Final Action	10/02/86	51 FR 35219
Final Action Effective	11/03/86	51 FR 35219

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA11

1073. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.202

Legal Deadline: None.

Abstract: The agency is proposing to add a new regulation to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located.

Timetable:

Action	Date	FR Cite
NPRM	05/19/86	51 FR 18345
NPRM Comment Period End	06/18/86	51 FR 18345
Final Action	10/02/86	51 FR 35219
Final Action Effective	11/03/86	51 FR 35219

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA16

1074. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.310(a)

Legal Deadline: None.

Abstract: The existing rule is being reviewed to determine whether a change should be made to the effective date for filing a notice of appeal under 25 CFR 2.19, relating to appeals from decisions of officials of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
End Review	01/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and

Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA17

1075. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.340

Legal Deadline: None.

Abstract: It will be proposed to amend the existing rule to delete the requirement that copies of decisions of the Board of Indian Appeals be sent to parties by certified mail.

Timetable:

Action	Date	FR Cite
Incorporated into larger rulemaking	01/08/87	

Small Entity: No

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094-AA13

1076. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Legal Deadline: None.

Abstract: The agency is reviewing the rule to determine whether it should be revised to change the designation of the appropriate officer in the Solicitor's Office to receive service in administrative appeals from decisions of the Eastern States Office, Bureau of Land Management.

Timetable:

Action	Date	FR Cite
End Review	01/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James R. Kleiler, Attorney Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094-AA20

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI) Prerule Stage

United States Fish and Wildlife Service (FWS)

1077. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the 1987-88 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
Final Action1986-87 seasons	09/30/86	51 FR 34623
ANPRM	03/00/87	
NPRM	06/00/87	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 254-3207**

RIN: 1018-AA24

1078. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: Walter Steiglitz, Assistant Director - Refuge and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252 Interior, US Fish and

DOI—FWS

Prerule Stage

Wildlife Service, Washington, DC 20240, **202 343-5333**

RIN: 1018-AB03

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1079. ● INJURIOUS WILDLIFE - MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None.

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife, under the Lacey Act. Such act prohibits importation and introduction into the natural eco-system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/87	52 FR 2748
Request for InformationMitten crabs	01/26/87	52 FR 2748
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, US Fish and Wildlife Service, Washington, DC 20240, **202 632-2202**

RIN: 1018-AB04

1080. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Heliotrope milk-vetch

NPRM 01/13/81 (46 FR 3188)
Final Action 09/07/83 (48 FR 31414)

Silverling

Final Action 10/25/83 (48 FR 49316)
NPRM 00/00/00

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-2771**

RIN: 1018-AA10

1081. INCIDENTAL TAKING OF MARINE MAMMALS BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 13

CFR Citation: 50 CFR 18

Legal Deadline: None.

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **202 632-2202**

RIN: 1018-AA96

1082. ● MARINE MAMMAL PROTECTION ACT AND ENDANGERED SPECIES ACT REVISIONS

Legal Authority: 16 USC 1371; 16 USC 1536

CFR Citation: 50 CFR 18; 50 CFR 402

Legal Deadline: None.

Abstract: This rule will implement the Marine Mammal Protection Act, revision which deleted terminology related to depleted species, and the Endangered Species Act, Section 7, revision regarding interagency coordination.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, U.S. Fish and Wildlife Service, Washington, DC 20240, **202 632-2202**

RIN: 1018-AB05

1083. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None.

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Room 300 Hamilton, US Fish and Wildlife Service, Washington, DC 20240, **202 343-9242**

RIN: 1018-AB01

1084. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26; 50 CFR 32; 50 CFR 33

Legal Deadline: None.

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	49 FR 27334
Final Action Hunting and Fishing	09/19/84	49 FR 36736
NPRM Public Entry and Use	10/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA36

1085. HUNTING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None.

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
Final Action1986-87 seasons	09/11/86	51 FR 32321
NPRM	07/00/87	51 FR 24179
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA71

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Final Rule Stage

1086. HUMANE TRANSPORT OF WILD ANIMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat. 1073

CFR Citation: 50 CFR 14

Legal Deadline: Statutory. 180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	02/26/82	47 FR 8386
Notice of Intent to propose Rules	06/30/82	47 FR 28431
NPRM	12/04/85	50 FR 49709
NPRM Comment Period End	03/05/86	51 FR 4945
Final Action	07/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Earl Baysinger, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA07

1087. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None.

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly

issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Final Action	08/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018–AA79

1088. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Flattened musk turtle
NPRM - Reopen comment period 10/31/86 (51 FR 39758)
Final Action 05/00/87

Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 00/00/00

Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)
Final Action 00/00/00

Sonoran chub
NPRM 06/06/84 (49 FR 23402)
Final Action 04/30/86 (51 FR 16042)

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00

Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018–AA84

1089. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Bay Checkerspot butterfly
NPRM - Reopen comment period 07/02/86 (51 FR 24178)
Final Action 07/00/87

Blackside dace
NPRM 05/21/86 (51 FR 18624)
Final Action 00/00/00

Inyo brown towhee
NPRM 03/07/85 (50 FR 9300)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018–AA85

1090. SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None.

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Euhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29362
ANPRM Comment Period End	11/17/86	51 FR 29362
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Marvin Moriarty, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018–AA87

1091. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 09/00/87

Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Little Colorado spinedace
NPRM 05/22/85 (50 FR 21095)
Final Action 00/00/00

Small Entity: Not Applicable

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United

States Fish and Wildlife Service, 6th Floor Broyhill (OES), Washington, DC 20240, **703 235-2771**

RIN: 1018-AA95

1092. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama leather flower
NPRM 12/06/85 (50 FR 49970)
Final Action 09/26/86 (51 FR 34420)

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 12/00/87

Dismal swamp southeastern shrew
NPRM 07/16/85 (50 FR 28821)
Final Action 09/26/86 (51 FR 34422)

Florida grasshopper sparrow
NPRM 12/18/85 (50 FR 51565)
Final Action 07/31/86 (51 FR 27492)

Giant kangaroo rat
NPRM 08/13/85 (50 FR 32585)
Final Action 01/05/87 (52 FR 283)

Hayun lagu
NPRM 10/25/85 (50 FR 43423)
Final Action 00/00/00

Jesup's milk vetch
NPRM 12/19/85 (50 FR 51718)
Final Action 00/00/00

Ko'oloa'ula
NPRM 07/16/85 (50 FR 28876)
Final Action 09/26/86 (51 FR 34412)

Leadbeater's possum, et. al.
NPRM 10/25/85 (50 FR 43420)
Final Action 05/16/86 (51 FR 17977)

Leapard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Palmate-bracted bird's beak
NPRM 07/16/85 (50 FR 28870)
Final Action 07/01/86 (51 FR 23765)

Peter's mountain mallow
NPRM 09/03/85 (50 FR 35584)
Final Action 05/12/86 (51 FR 17343)

Pondberry
NPRM 03/11/86 (51 FR 8340)
Final Action 07/31/86 (51 FR 27495)

Prairie bush cover
NPRM 12/06/85 (50 FR 49967)
Final Action 01/09/87 (52 FR 781)

Santa Cruz cypress
NPRM 09/12/85 (50 FR 37249)
Final Action 01/08/87 (52 FR 675)

Spikedace
NPRM 06/18/85 (50 FR 25390)
Final Action 07/01/86 (51 FR 23769)

Tinian monarch
NPRM 11/01/85 (50 FR 45632)
Final Action 00/00/00

Waccamaw silverside
NPRM 01/16/86 (51 FR 2409)
Final Action 00/00/00

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, **703 235-2271**

RIN: 1018-AA98

1093. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama red bellied turtle
NPRM 07/08/86 (51 FR 24730)
Final Action 07/00/87

American alligator
NPRM 06/02/86 (51 FR 19760)
Final Action 06/00/87

Audubon's crested caracara
NPRM 06/23/86 (51 FR 22838)
Final Action 06/00/87

Blackside dace
NPRM 05/22/86 (51 FR 18624)
Final Action 05/00/87

Blowout penstemon
NPRM 04/29/86 (51 FR 15929)
Final Action 04/00/87

Cambarus zophonastes
NPRM 05/05/86 (51 FR 16569)
Final Action 05/00/87

Cape Fear Shiner
NPRM 07/11/86 (51 FR 25219)
Final Action 07/00/87

Concho water snake
NPRM 01/22/86 (51 FR 2923)
Final Action 09/03/86 (51 FR 31412)

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 03/00/87

Florida scrub jay
NPRM 05/21/86 (51 FR 18627)
Final Action 05/00/87

Geocarpon minimum
NPRM 04/10/86 (51 FR 12463)
Final Action 04/00/87

Gopher tortoise
NPRM 07/08/86 (51 FR 24723)
Final Action 07/00/87

Loch Lomond coyote thistle
NPRM 03/26/86 (51 FR 10412)
Final Action 12/23/86 (51 FR 45904)

Missouri bladder pod
NPRM 04/07/86 (51 FR 11874)
Final Action 01/08/87 (52 FR 679)

Mount Graham red squirrel
NPRM 05/21/86 (51 FR 18630)
Final Action 05/00/87

Nashville crayfish
NPRM 01/24/86 (51 FR 3229)
Final Action 09/26/87 (51 FR 34410)

Palo de Ramon
NPRM 04/10/86 (51 FR 12455)
Final Action 04/00/87

Ranched Nile crocodile-zimbabwe
NPRM 03/07/86 (51 FR 7965)
Final Action 03/00/87

Ringed sawback turtle
NPRM 01/21/86 (51 FR 2741)
Final Action 12/23/86 (51 FR 45907)

Rough leaved loosestrife
NPRM 04/10/86 (51 FR 12451)
Final Action 04/00/87

Running Buffalo clover
NPRM 03/10/86 (51 FR 8217)
Final Action 03/00/87

San Rafael cactus
NPRM 03/27/86 (51 FR 10560)
Final Action 03/00/87

Scrub lupine
NPRM 04/24/86 (51 FR 15514)
Final Action 04/00/87

Seven Florida scrub plants
NPRM 04/10/86 (51 FR 12444)
Final Action 01/21/87 (52 FR 2227)

Spreading wild buckwheat
NPRM 04/07/86 (51 FR 11880)
Final Action 04/00/87

Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 06/00/87

Wheeler's peperomia
NPRM 04/10/86 (51 FR 12457)
Final Action 04/00/87

White bladderpod
NPRM 04/09/86 (51 FR 12184)
Final Action 04/00/87

Wide leaf warea
NPRM 05/16/86 (51 FR 18010)
Final Action 05/00/87

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 500 Broyhill, US Fish and Wildlife Service, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB02

1094. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: Statutory. In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Black capped vireo
NPRM 12/12/86 (51 FR 44808)
Final Action 12/00/87

Bradshaw's lomatium
NPRM 11/21/86 (51 FR 42116)
Final Action 11/00/87

Cyathea dryopteroides and Ilex cookii
NPRM 09/25/86 (51 FR 34103)
Final Action 09/00/87

Florida bonamia
NPRM 11/04/86 (51 FR 40044)
Final Action 11/00/87

Florida lizards
NPRM 01/21/87 (52 FR 2242)
Final Action 01/00/88

Hualapai vole
NPRM 01/05/87 (52 FR 306)
Final Action 01/00/88

Miami palmetto
NPRM 11/04/86 (51 FR 40051)
Final Action 11/00/87

Pawnee montane skipper
NPRM 09/25/86 (51 FR 34106)
Final Action 09/00/87

Puerto Rican crested toad
NPRM 12/23/86 (51 FR 45923)
Final Action 12/00/87

Roseate tern
NPRM 11/04/86 (51 FR 40047)
Final Action 11/00/87

Small Entity: Not Applicable

Agency Contact: Marvin Moriarity, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 500 Broyhill, US Fish and Wildlife Service, Washington, DC 20240, **703 235-2771**

RIN: 1018-AB06

1095. MARINE MAMMALS

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Legal Deadline: None.

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49577
Extend comment period	03/25/86	51 FR 10243
Final Action	09/00/87	

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 632-2202**

RIN: 1018-AA20

1096. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
Notice of intent to propose rules	05/19/86	51 FR 18349
NOI comment period end	08/01/86	51 FR 26029
Terminate	05/00/87	

Small Entity: Undetermined

Additional Information: This action will follow that in RIN 1018-AA90 that was listed in the Regulatory Program of the United States Government.

Agency Contact: Walter Stieglitz, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252, Washington, DC 20240, 202 **343-5333**

RIN: 1018-AA92

1097. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None.

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23444
Final Action1986-87 seasons	09/03/86	51 FR 31429
Final ActionNon-toxic shot approval procedures	11/21/86	51 FR 42098
Final Action1987-88 seasons	11/21/86	51 FR 42103
ANPRM Comment Period End	01/15/87	52 FR 1636
ANPRM	02/17/87	52 FR 1636

DOI—FWS

Final Rule Stage

Action	Date	FR Cite
Final Action	08/00/87	

Small Entity: No

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018–AA93

1098. NATIONAL WILDLIFE REFUGES

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26, Subpart C

Legal Deadline: None.

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
Emergency Rule	03/04/80	45 FR 14192
Propose rescinding rule	04/30/86	51 FR 16083
Rescind emergency rule	10/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA35

1099. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None.

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	51 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Final Action	06/00/87	

Small Entity: No

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-1526

RIN: 1018–AA97

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Completed Actions

1100. MINERAL RIGHTS RESERVED AND EXCEPTED

Legal Authority: 16 USC 668(dd) National Wildlife Refuge System Admin Act

CFR Citation: 50 CFR 29.32, (Revision)

Legal Deadline: None.

Abstract: Existing regulations will be revised to provide more comprehensive guidance on the procedures to be followed by persons conducting mineral exploration and/or development on National Wildlife Refuge System (NWRS) lands where the mineral rights are vested in other parties. Such operations were conducted on 47 NWRS units in 11 states during 1984. The purpose of the new rule will be to protect NWRS resources to the maximum extent possible without infringing upon the rights of the subsurface owners. Similar regulations of the National Park Service (36 CFR 9.30) and the Forest Service (36 CFR 251.15) will be considered in developing the NWRS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20814
ANPRM Comment Period End	07/05/85	50 FR 20814
Terminated	02/05/87	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018–AA86

1101. FEDERAL AID IN FISH AND WILDLIFE RESTORATION--INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 080

Legal Deadline: None.

Abstract: This action will address appropriate uses of interest earned on license fees collected by State fish and wildlife management agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/09/85	50 FR 50185
NPRM Comment Period End	03/28/86	51 FR 7579
Duplicates AA97	02/09/87	

Small Entity: No

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 6th Floor Broyhill, US Fish and Wildlife Service, Washington, DC 20240, 703 235-1526

RIN: 1018–AB00

1102. ALASKA NATIONAL WILDLIFE MONUMENTS

Legal Authority: 16 USC 432; 16 USC 742(f); 16 USC 460(k)(3); Presidential Proclamations of 12/1/78 (43 FR 57009); 16 USC 3101

CFR Citation: 50 CFR 96 to 106

Legal Deadline: None.

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife

Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	06/28/79	44 FR 37754
ANPRM Comment Period End	07/31/86	51 FR 25377
Withdrawn	12/12/86	51 FR 44812

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979. Originally scheduled: July 1979.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA55

1103. ALASKA NATIONAL WILDLIFE MONUMENTS: MINERALS MANAGEMENT

Legal Authority: 16 USC 432; 16 USC 742(f); 30 USC 21 et seq; Presidential Proclamations of 12/1/78 (43 FR 57019, 57119); 30 USC 612; 16 USC 3101

CFR Citation: 50 CFR 107

Legal Deadline: None.

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	01/11/80	45 FR 2616
Withdraw Proposed Rules	04/30/86	51 FR 16083
Withdrawn	12/12/86	51 FR 44812

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980. Originally scheduled: January 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA56

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Prerule Stage

1104. ● APPLICABILITY AND SCOPE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 1.2; 36 CFR

Legal Deadline: None.

Abstract: The Service intends to make minor administrative changes to eleven general regulations to clarify their applicability on non-Federal lands under the legislative jurisdiction of the United States.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Andy Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1360**

RIN: 1024-AB64

1105. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None.

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
Next Action Undetermined		

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 242-4916**

RIN: 1024-AA07

1106. ● APPRAISAL AUTHORITY UNDER THE LAND AND WATER CONSERVATION FUND STATE GRANT PROGRAM

Legal Authority: 42 USC 4601; 42 USC 4633

CFR Citation: 41 CFR 114-50

Legal Deadline: None.

Abstract: Currently, appraisals of land acquisitions supported by Land and Water Conservation Fund State Grants must be reviewed by the National Park Service if they are estimated at $100,000 or more. The National Park Service will examine whether this is an appropriate threshold given the administrative burden placed on the States and the potential for abuse of the program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Sam Hall, Chief of Recreation Grants Division, Department

of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, 202 343-3700

RIN: 1024-AB68

1107. NATIONAL PARK SERVICE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Legal Deadline: None.

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Acquisition and Assistance, System Branch, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 523-5021

RIN: 1024-AB35

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Proposed Rule Stage

1108. UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7075

RIN: 1024-AA87

1109. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None.

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024-AB07

1110. YELLOWSTONE NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None.

Abstract: The Service proposes to revise existing Fishing Regulations that pertain to Yellowstone National Park. The purposes of this revision are to simplify the regulations and to improve the Service's ability to manage Fishery Resources by species.

Timetable:

Action	Date	FR Cite
NPRM	02/17/87	52 FR 4784
NPRM Comment Period End	03/19/87	52 FR 4784
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary Brown, Assistant Chief Ranger, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone NP, WY 82190, 307 344-7381

RIN: 1024-AB57

1111. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None.

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, Ohio 44141, 216 526-5256

RIN: 1024-AB44

1112. CANYON DE CHELLY NATIONAL MONUMENT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None.

Abstract: This proposed rulemaking will establish criteria for the operation

of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024-AB47

1113. ● HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None.

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, **808 967-7311**

RIN: 1024-AB66

1114. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None.

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA94

1115. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None.

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, **919 473-2111**

RIN: 1024-AB54

1116. ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING AND WINTER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: This Service proposes to delete the mandatory registration system required for technical mountain climbing or winter backcountry use at Rocky Mountain National Park. This requirement has not proven effective in providing notification of overdue parties in this area and has hampered rather than supported search and rescue programs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3285
NPRM Comment Period End	03/05/87	52 FR 3285
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB16

1117. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(a)

Legal Deadline: None.

Abstract: The service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB46

1118. ● ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None.

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, **303 586-2371**

RIN: 1024-AB67

1119. DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None.

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4511
NPRM Comment Period End	03/16/87	52 FR 4511
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA98

1120. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None.

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB48

1121. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable state law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024-AB61

1122. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None.

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA89

1123. MANAGEMENT OF MINING CLAIM ACTIVITIES

Legal Authority: 16 USC 3 et seq NPS Organic Act; 16 USC 1901 et seq Mining in the Parks Act of 1976

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None.

Abstract: As mandated by the "Mining In The Parks Act of 1976," the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past eight years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance moratorium that expired in 1980 thus rendering them obsolete.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	49 FR 29415
30 day extension to ANPRM comment period to	09/20/84	
NPRM	06/00/87	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 (480), Box 37127, Washington, DC 20013-7127, 202 343-4360

RIN: 1024-AB37

1124. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB18

1125. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None.

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024–AA80

1126. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None.

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: Draft rules have been prepared and circulated for comment to Bureaus in the Department of the Interior. Following review and approval within the Department, the rules will be sent to other Federal Agencies for comment.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AA49

1127. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None.

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), the National Historic Preservation Act of 1966 (as amended) and the Archaeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; and (c) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: Draft rules have been prepared and circulated for comment to Federal and State Historic Preservation Officers, to a cross-section of repositories holding Federally owned collections, to State Archeologists, to national museum and archeological organizations, to national American Indian organizations, and others. Based on the comments received, the draft rule is being revised.

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AB13

1128. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None.

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024–AA84

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Final Rule Stage

1129. VEHICLES AND TRAFFIC SAFETY

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Legal Deadline: None.

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	06/16/86	51 FR 21840
NPRM Comment Period End	08/15/86	51 FR 21840
Final Action	03/00/87	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB06

1130. ● DISCRIMINATION IN EMPLOYMENT PRACTICES AND FURNISHING PUBLIC SERVICES

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 5.8; 36 CFR 5.9

Legal Deadline: None.

Abstract: The Service intends to update these two regulations to reflect provisions of existing nondiscrimination statutes and Executive Orders, although the standard provisions of contracts issued by the Service reflect current nondiscrimination policies, these regulations were not revised as new statutory provisions were enacted.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	

Small Entity: Yes

Agency Contact: David Gackenbach, Chief, Concessions Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-8953

RIN: 1024-AB65

1131. FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	03/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-3765

RIN: 1024-AA14

1132. SHENANDOAH NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.15

Legal Deadline: None.

Abstract: The service proposes to revise regulations at Shenandoah National Park, VA pertaining to Fishing Seasons, Creel Limits, Equipment Restrictions and Stream Closures.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	51 FR 35009
NPRM Comment Period End	10/31/86	51 FR 35009
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Larry Hakel, Chief Ranger, Department of the Interior, National Park Service, Shenandoah National Park, Route 4, Box 292, Luray, VA 22835, 703 999-2243

RIN: 1024-AB51

1133. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None.

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and Conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA96

1134. BLUE RIDGE PARKWAY: COMMERCIAL VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Legal Deadline: None.

Abstract: The Service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28107
NPRM Comment Period End	09/04/86	51 FR 28107
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, 704 259-0351

RIN: 1024-AB36

1135. BUFFALO NATIONAL RIVER: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.35

Legal Deadline: None.

Abstract: The proposed rule will allow fishing activities within Buffalo National River to continue in the traditional manner. It will permit gigging of rough fish, noncommercial capture of bait fish using traps or seines, and fishing with set lines or troutlines. It will also allow the possession and collection of terrestrial and aquatic insects by hand or hand-held net for use as bait. It will allow the possession and collection by hand-held net or seine of crayfish for consumption or bait.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37201
NPRM Comment Period End	11/19/86	51 FR 37201
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024-AB49

1136. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, 504 589-3882

RIN: 1024-AB33

1137. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None.

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	06/00/87	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AB10

1138. LAKE MEAD NATIONAL RECREATION AREA: NOISE ABATEMENT EXEMPTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48(i)

Legal Deadline: None.

Abstract: The proposed rulemaking pertains to Lake Mead National Recreation Area, located in Arizona and Nevada. It would allow motor vessels to exceed existing noise limitations while participating in regattas; thereby, making possible the continuation of a traditional activity.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51866
NPRM Comment Period End	01/21/86	50 FR 51866
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Newton Sikes, Chief Ranger, Department of the Interior, National Park Service, 601 Nevada Hwy., Boulder City, NV 89005, 702 293-9041

RIN: 1024-AB50

1139. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB19

1140. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None.

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	04/00/87	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024-AB28

1141. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None.

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, 406 666-2412

RIN: 1024-AB63

1142. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None.

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA71

1143. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None.

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	08/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9500

RIN: 1024-AA44

1144. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None.

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	08/15/87	
Final Action Effective	09/15/87	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9539

RIN: 1024-AA46

1145. ARCHEOLOGICAL RESOURCES PROTECTION ACT DEPARTMENT OF THE INTERIOR SUPPLEMENTAL REGULATIONS

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Legal Deadline: None.

Abstract: This rule supplements the uniform regulations in 43 CFR Part 7 which implement the Archeological Resources Protection Act. This rule adds a Subpart B and redesignates the uniform rule as Subpart A. The rule in Subpart B, for the Department of the Interior, provides supplemental definitions, procedures for determining loss or absence of archeological interest regarding certain material remains, detail on permitting for Indian lands, procedures for permit appeals and disputes, and supplemental civil penalty procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	50 FR
NPRM Comment Period End	01/13/86	50 FR
Final Action	03/00/87	

Small Entity: No

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024-AA83

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

1146. CRITERIA FOR DETERMINATIONS OF ADVERSE IMPACT UNDER SECTION 165(D)(2)(C)(II) AND (III) OF THE CLEAN AIR ACT

Significance: Regulatory Program

Legal Authority: 42 USC 7475(d)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Under the Clean Air Act, the Department of the Interior, as Federal Land Manager, has the affirmative responsibility to protect the air quality related values of its class 1 areas and to consider whether proposed new major sources of air pollution will have an adverse impact on these values. The Department has developed and applied "working" criteria for making adverse impact determinations in several cases since 1982. Both industry and environmental groups have commented on the "working" criteria and requested further rulemaking action on the criteria. In response to these requests, this rulemaking action would solicit public input on the working definitions as well as related technical and legal issues.

The Notice of Intent will ask several questions. The answers to these questions will be useful in determining alternatives and potential costs and benefits.

Timetable:

Action	Date	FR Cite
No regulatory action to be taken.	02/27/87	

Small Entity: Undetermined

Additional Information: This action is carried as RIN 1093-AA02 in the Regulatory Program of the United States Government.

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air Quality Division, 18th & C Streets, NW, Room 3021, Washington, DC 20240, 202 343-4911

RIN: 1024-AB40

1147. GENERAL PROVISIONS RESOURCE PROTECTION, PUBLIC USE AND RECREATION BOATING AND WATER USE ACTIVITIES

Legal Authority: 16 USC 1; 16 USC 1a to 2(h); 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3

Legal Deadline: None.

Abstract: The Service completed a major revision of these regulations in April 1984. A thorough review of the regulations will be conducted after the 1984 visitor use season, leading to minor revisions and further refinements.

Timetable:

Action	Date	FR Cite
NPRM	06/03/86	51 FR 19858
NPRM Comment Period End	07/03/86	51 FR 19858
Final Action	08/18/86	51 FR 29469
Final Action Effective	09/17/86	51 FR 29469

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Streets, NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB09

1148. WILDLIFE PROTECTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 2.2

Legal Deadline: None.

Abstract: This rulemaking is an administrative change to remove expired material from the National Park Service General Regulation pertaining to authorized trapping activities.

Timetable:

Action	Date	FR Cite
NPRM	07/15/86	51 FR 25576
NPRM Comment Period End	08/14/86	51 FR 25576
Final Action	09/19/86	51 FR 33263
Final Action Effective	10/20/86	51 FR 33263

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Branch of Ranger Activities, Department of the Interior, National Park Service, PO Box 37127, Washington, DC 20013-7127, 202 343-1360

RIN: 1024-AB62

1149. NEW RIVER GORGE NR: HUNTING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: The regulation pertains to the New River Gorge National River located in West Virginia. This regulation would allow hunting on those lands and waters administered by the National Park Service as part of the New River Gorge National River area. This regulation is consistent with the park enabling legislation.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA86

1150. NEW RIVER GORGE NR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: This regulation pertains to the New River Gorge National River located in West Virginia. The final regulations published on June 30, 1983 prohibit certain fishing methods and the taking of certain species that are allowed by the laws of West Virginia. This regulation would authorize the use of those fishing methods and the taking of those fish species consistent with West Virginia law.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National

Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA88

1151. CANAVERAL NATIONAL SEASHORE: PUBLIC NUDITY REGULATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Legal Deadline: None.

Abstract: The Service proposes to establish restrictions on Public Nudity at Canaveral National Seashore, Florida. The Service's intention is to adopt State and local restrictions that apply in the same area.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: Arthur Graham, Superintendent, Canaveral National Seashore, Department of the Interior, National Park Service, P.O. Box 6447 onal Seashore, Titusville, FL 32782, 305 867-0634

RIN: 1024-AB52

1152. LAKE MEREDITH RECREATION AREA - FIREARMS REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.57

Legal Deadline: None.

Abstract: This proposal pertains to Lake Meredith Recreation Area, Texas. The Service proposes to allow organized groups to use the Spring Canyon Firing Range for target practice at designated times and periods in the presence of a qualified Range Officer. This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
Withdrawn Action on this proposal postponed.	01/22/87	

Small Entity: Undetermined

Agency Contact: John C. Higgins, Superintendent, Department of the Interior, National Park Service, P.O. Box 1438, Fritch, Texas 79036, 806 857-3151

RIN: 1024-AB56

1153. ROCKY MOUNTAIN NP: WINTER BACKCOUNTRY TRIPS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(e)

Legal Deadline: None.

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (e) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks that do not require check out for overnight winter camping.

Timetable:

Action	Date	FR Cite
Withdrawn Combined with another rulemaking (RIN 1024-AB16)	01/09/87	

Small Entity: Undetermined

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024-AB17

1154. DELAWARE WATER GAP NATIONAL RECREATION AREA: COMMERCIAL VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.71

Legal Deadline: None.

Abstract: The Service proposes to revise Commercial Vehicle Regulations at Delaware Water Gap NRA to reflect Statutory Provisions which went into effect in 1986.

Timetable:

Action	Date	FR Cite
Final Action	11/07/86	51 FR 40418
Final Action Effective	12/08/86	51 FR 40418

Small Entity: Undetermined

Agency Contact: William Supernaugh, Chief, Branch of Ranger Activities, Department of the Interior, National Park Service, 143 South Third St., Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AB53

1155. BUCK ISLAND REEF NM: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None.

Abstract: This proposed regulation pertains to Buck Island Reef National Monument and would establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA93

1156. BUCK ISLAND REEF NM: SUBMERGED FEATURES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Legal Deadline: None.

Abstract: This regulation pertains to Buck Island Reef National Monument and would protect coral formations from damage by park visitors.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA97

1157. VIRGIN ISLANDS NP: BOATING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None.

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish a permit system relating to mooring of boats, length of stay and other criteria.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB00

1158. VIRGIN ISLANDS NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Legal Deadline: None.

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
Withdrawn Action on proposal postponed	01/09/87	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB01

1159. PADRE ISLAND NATIONAL SEASHORE: HUNTING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.75(b)

Legal Deadline: None.

Abstract: The service proposes to revise this section to further define where hunting is allowed and how duck blinds may be used.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21389
NPRM Comment Period End	07/14/86	51 FR 21389
Final Action	10/07/86	51 FR 35647
Final Action Effective	11/06/86	51 FR 35647

Small Entity: No

Agency Contact: William M. Lukens, Jr., Superintendent, Padre Island National Seashore, Department of the Interior, National Park Service, 9405 South Padre Island Drive, Corpus Christi, TX 78418, 512 937-2621

RIN: 1024–AB22

1160. WHISKEYTOWN NATIONAL RECREATION AREA PARASAILING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None.

Abstract: The Service is proposing to restrict parasailing activities at Whiskeytown National Recreation area in the interest of public safety.

Timetable:

Action	Date	FR Cite
Withdrawn - Action on proposal postponed	01/29/87	

Small Entity: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB60

1161. NATIONAL CAPITAL REGION: SPECIAL REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50; 36 CFR 7.96; 36 CFR 7.99

Legal Deadline: None.

Abstract: This deletion affects National Capital Region. Part 50 will be deleted and regulations peculiar to this region will be incorporated in revisions to Part 7. 7.96 will address special regulations in those NPS areas within the District of Columbia. 7.99 will address special regulations in NPS areas in the District of Columbia, Maryland and Virginia. The National Capital Region will then use the same general regulations as the rest of the NPS.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51782
NPRM Comment Period End	02/18/86	50 FR 51782
Final Action	10/17/86	51 FR 37008
Final Action Effective	11/17/86	51 FR 37008

Small Entity: No

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, National Capital Region, Department of the Interior, National Park Service, 1100 Ohio Drive, SW, Washington, DC 20242, 202 426-6658

RIN: 1024–AB29

1162. MINERALS MANAGEMENT NONFEDERAL OIL AND GAS RIGHTS

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9B

Legal Deadline: None.

Abstract: Several sections of the regulations were ambiguously written which has caused confusion in interpreting the existing regulations during site specific implementation. NPS wants to make technical revisions to clarify requirements for both applicants and the NPS, such as: updating terms for consistency with existing policies and practices; setting bond limits consistent with existing reclamation costs; allowing NPS to collect administrative fees for issuing permits consistent with cost reimbursement requirements of Congressional and Executive direction; clarifying compliance issues associated with different access conditions; and, making the regulations applicable to all non-federal oil and gas operations within affected units of the NPS consistent with the enabling acts of affected units.

These are technical revisions to the regulations governing non-federal oil and gas activities within affected units of the National Park System. The existing authorities are 16 U.S.C. 1, et seq. and 31 U.S.C. 9701, 5 U.S.C. 301; and enabling legislation of the affected units.

Timetable:

Action	Date	FR Cite
Rule has been cancelled	02/27/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Branch of Policy and Regulations, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB39

1163. MINERALS MANAGEMENT NONFEDERAL RIGHTS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9C

Legal Deadline: None.

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. Two hundred twenty-four park units contain privately owned mineral rights totaling over 5.9 million acres and 96 park units contain split estates (surface is federally owned and the subsurface is privately owned) totaling 1.2 million acres. The extent of the minerals associated with nonfederal mineral rights is less well defined. Currently, few nonfederal mineral rights, other than oil and gas, are being developed within NPS units. The Service expects this relatively inactive development trend to continue. However, when such rights are proposed for development, the Service is charged by Congress to ensure that approved activities within park boundaries are consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards for the exercise of nonfederal mineral rights, for minerals other than oil and gas, to ensure that development activities are conducted in a manner to protect affected park units until such time the Service has sufficient funds to acquire the mineral right.

Timetable:

Action	Date	FR Cite
Withdrawn - Delete, rule has been cancelled	01/00/87	

Small Entity: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, P.O. Box 37127 (480) Room 3223, Washington, DC 20013-7127, 202 343-4650

RIN: 1024-AB55

1164. NATIONAL NATURAL LANDMARKS

Legal Authority: Historic Sites Act of 1935

CFR Citation: 36 CFR 62.5

Legal Deadline: None.

Abstract: Revision to the National Natural Landmarks Program national significance criteria is proposed to clarify the language and sharpen the definition. Revised criteria will better enable the National Park Service to make precise decisions about additions to the National Registry of Natural Landmarks, as well as better communicate the concept of national significance to the public. The alternative to this proposed action is to leave the present regulation 36 CFR 62.5 as it is. There are no perceived costs associated with this proposed rule revision.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16349
NPRM Comment Period End	06/02/86	51 FR 16349
Final Action	02/23/87	52 FR 5458
Final Action Effective	03/25/87	52 FR 5458

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Hardy Pearce, Chief, National Natural Landmarks Branch, Department of the Interior, National Park Service, 413 Interagency Resources Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-9500

RIN: 1024-AB41

1165. TRANSPORTATION AND UTILITY SYSTEMS IN ALASKA

Legal Authority: 16 USC 3161

CFR Citation: 43 CFR 36

Legal Deadline: None.

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32506
Final Action	09/04/86	51 FR 31619
Final Action Effective	10/06/86	51 FR 31619

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Brian Koula, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-7957

RIN: 1024-AA58

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Prerule Stage

1166. INDIAN EDUCATION POLICIES

Significance: Regulatory Program

Legal Authority: 25 USC 2010; 25 USC 2013

CFR Citation: 25 CFR 32

Legal Deadline: None.

Abstract: Policy statements under this part are generally broad, rhetorical, and nonmeasurable. The revision will address the strengthening of the policies that seemed unmeasurable, conflicting and needed clarification.

Timetable:

Action	Date	FR Cite
Consultation with tribes	03/00/87	
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Agency Contact: Dolores Edwards, Staff Assistant, OIEP, Department of the Interior, Bureau of Indian Affairs, Rm. 3530-Main Int., 18th & C Streets, NW, Washington, DC 20245, 202 343-3151

RIN: 1076-AB64

1167. REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Legal Deadline: None.

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	09/00/87	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB54

1168. REGULATIONS FOR PRO RATA SHARES OF TRIBAL FUNDS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 112

Legal Deadline: None.

Abstract: Procedures and criteria for filing application for pro rata share of tribal funds. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Rm. 4513-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB65

1169. DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 121

Legal Deadline: None.

Abstract: 25 CFR 121 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

The regulations in this part govern the distribution, pursuant to the act of October 27, 1972, of judgement funds awarded to the Osage Tribe of Indians of Oklahoma.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/87	
End Review	12/00/87	

Small Entity: No

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Room 4513, Main Interior, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB66

1170. PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140-DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Legal Authority: PL 94-204, 89 Stat. 1146; 43 USC 1613; 94 Stat. 2371

CFR Citation: 25 CFR 124, (Revision)

Legal Deadline: None.

Abstract: Provide up to date and correct deposit procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, Room 4604, Main Interior, 18th & C Sts., NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB67

1171. LAND RECORDS AND TITLE DOCUMENTS

Legal Authority: 25 USC 5; 25 USC 9

CFR Citation: 25 CFR 150; 43 CFR 4

Legal Deadline: None.

Abstract: This regulation will be reviewed with only minor changes expected due to a realignment of responsibilities concerning our title plants. This rule sets forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/87	
End Review	12/31/87	

Small Entity: No

Agency Contact: Joseph Donahue, Acting Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB68

DOI—BIA

Prerule Stage

1172. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226; 25 CFR 2

Legal Deadline: None.

Abstract: The regulations in this part provide procedures and processes for oil and gas mining leasing of Osage Reservation lands. Changes are being considered.

Timetable:

Action	Date	FR Cite
End Review	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB79

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1173. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None.

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4689

RIN: 1076-AB21

1174. LAW ENFORCEMENT EXPENDITURES

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is developing a rule prohibiting the expenditure of Bureau of Indian Affairs law enforcement funds in those areas of Indian country where there is state jurisdiction over criminal offenses committed by or against Indians.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5788

RIN: 1076-AB97

1175. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: James P. Donovan, Acting Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Room 1342, Code 430, Washington, DC 20245, 202 343-5788

RIN: 1076-AB98

1176. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is developing a quality assurance system for inclusion in 25 CFR 20. The system would provide for an ongoing evaluation of the administration of the Bureau's general assistance program in accordance with established Bureau policies and procedures. The rulemaking actions will complete an earlier initiative to develop a quality assurance system which began in a previous rulemaking action with regard to the implementation of the provisions of Public Law 98-473.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076-AB92

1177. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None.

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance has been transferred to general assistance by revision of CFR 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	05/01/87	
Final Action	07/01/87	

Small Entity: Undetermined

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6434

RIN: 1076-AB99

1178. CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Legal Deadline: None.

Abstract: This rule is being proposed for removal.

The rule governed the contracting by missions, associations and other eleemosynary institutions for care of Indian children who resided within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Proposed removal	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Larry Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Code 450 - Room 312 South, Washington, DC 20245, 202 343-6434

RIN: 1076-AB76

1179. FEDERAL SCHOOLS FOR INDIANS (REVISION)

Legal Authority: 34 Stat. 1018; 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Legal Deadline: None.

Abstract: The purpose of the proposed revision is to define the various types of schools funded by the Bureau and to clarify and define eligibiltiy for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will be comparable to but will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	05/30/87	
NPRM Comment Period End	07/31/87	
Final Action	09/30/87	

Small Entity: No

Additional Information: Section 31.3 was revised separately and published as a proposed rule. The passage of Pub. L. 99-228 supercedes that earlier revision and the conditions under which non-eligible students may attend Bureau-funded schools are incorporated in the current revision.

Agency Contact: Elizabeth Holmgren, Education Specialist, Branch of Elementary and Secondary Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20240, 202 343-4071

RIN: 1076-AB47

1180. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None.

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB02

1181. INDIAN SCHOOL EQUALIZATION PROGRAM

Significance: Agency Priority

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39, (Revision)

Legal Deadline: None.

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA09

1182. THE INDIAN SCHOOL EQUALIZATION PROGRAM (NEW SCHOOL STARTS, PROGRAM EXPANSIONS, SCHOOL CLOSURES, CONSOLIDATIONS, AND PROGRAM REDUCTIONS)

Significance: Regulatory Program

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39, Sec 22

Legal Deadline: None.

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets. The companion regulation on new school starts and program expansions will appear at 25 CFR 271, Subpart H and are incorporated by reference in this Part.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	06/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB48

1183. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None.

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA10

1184. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None.

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AA11

1185. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None.

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	

Small Entity: No

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA15

1186. ENROLLMENT APPEALS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 62

Legal Deadline: None.

Abstract: The regulations contained in 25 CFR Part 62 are general regulations that govern appeals from adverse enrollment actions. This rulemaking action will revise the regulations to clarify the purpose of the rule and to make general changes of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 42.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3592

RIN: 1076–AB95

1187. USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Legal Deadline: None.

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgment funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United States Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: The proposed revisions to 25 CFR 87 have necessitated minor technical revisions to 25 CFR 115 which will be processed in conjunction with the proposed rule.

Agency Contact: John A. Shapard, Branch Chief, Acknowledgment & Research, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3568

RIN: 1076–AB20

1188. ● LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5367

RIN: 1076–AC00

1189. ● REVOLVING CATTLE POOL

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None.

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and is currently inactive. There have been no funds appropriated for the program; therefore, this part is proposed for removal. The terms and conditions of loans of cattle by the United States government to tribes, tribal corporations or tribal members were prescribed in 25 CFR 102. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5367

RIN: 1076–AC02

1190. ● LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None.

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Joe G. Weller, Chief, Division of Financial Assistance, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, DC 20240, 202 343-3657

RIN: 1076–AC01

1191. ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Legal Deadline: None.

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Barbara Davis, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076-AB45

1192. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None.

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Revise regulations for Exception Criteria	01/31/87	
NPRM	03/31/87	
Final Action	09/30/87	

Small Entity: Undetermined

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7336

RIN: 1076-AB91

1193. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Legal Deadline: None.

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Esther Whalen, Chief, Branch of Postsecondary Education, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076-AB51

1194. LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Legal Deadline: None.

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	
End Review	12/00/87	

Small Entity: Undetermined

Additional Information: A recent District Court opinion has held that a portion of our Land Acquisition Regulations are unconstitutional. This decision is being appealed to the Supreme Court. Depending on outcome, these rules may have to be revised.

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-3837

RIN: 1076-AA81

1195. ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Significance: Agency Priority

Legal Authority: 25 USC 378 to 379; 25 USC 404 to 405; 25 USC 372 to 373; 25 USC 483; 25 USC 355; 25 USC 2201 to 2211

CFR Citation: 25 CFR 152

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise certain sections of 25 CFR 152 which involve the issuance of fee patents, removal of restrictions, certificates of competency and the sale of certain Indian land. These regulations preclude the sale and/or exchange of tribal land except through special authorized legislation. The Indian Land Consolidation Act, Public Law 97-459, enacted on January 12, 1983 and subsequently amended on October 30, 1984, enables Indian tribes to sell or exchange tribal land for the express purpose of consolidating tribal landholdings. The regulations are being revised to reflect the changes made by the legislation. In addition, the partitioning section is being revised for the purpose of clarification.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Undetermined

Agency Contact: Lee Maytubby, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3837

RIN: 1076-AB90

1196. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None.

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-3959

RIN: 1076–AA33

1197. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Significance: Agency Priority

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(e); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Legal Deadline: None.

Abstract: Indian reservation road construction is funded from the Highway Trust Fund. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: James T. Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6041

RIN: 1076–AB05

1198. ● COLORADO RIVER IRRIGATION PROJECT, ARIZONA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 175; 25 CFR 176; 25 CFR 177

Legal Deadline: None.

Abstract: This action consolidates Parts 175, 176 and 177 into Part 175 to provide consistent administration of the electric power portion (utilities) of the Colorado River, Flathead, and San Carlos irrigation projects, respectively, as well as other existing and future utilities within the Bureau of Indian Affairs. Additionally, new procedures are established for adjusting electric power rates and service fees, including public involvement in the rate setting process, and updating the policy, practices, and procedures of the utilities as needed. Part 175 would be retitled, "Electric Power Utilities" and Parts 176 and 177 would be removed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Samuel Miller, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs, 18th and C Street, NW, Washington, DC 20240, 202 343-4004

RIN: 1076–AC04

1199. ● LIFE ESTATES AND FUTURE INTERESTS

Significance: Agency Priority

Legal Authority: 25 USC 372; 25 USC 373; 25 USC 487; 25 USC 607; 25 USC 2201 to 2211

CFR Citation: 25 CFR 179

Legal Deadline: None.

Abstract: The proposed rule would add a new part 179 to Title 25 of the Code of Federal Regulations to set forth the authorities, policy, and procedures to be followed in the administration of life estates and future interests on Indian land. These regulations are being proposed to address the need for a clearly stated uniform policy. At the present time, there are no regulations dealing with life estates and future interests, even through these have become increasingly prevalent in the activities of Indians and the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Street, NW, Washington, DC 20240, 202 343-5473

RIN: 1076–AC06

1200. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None.

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076–AB41

1201. LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Legal Deadline: None.

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3722

RIN: 1076-AB42

1202. HERITAGE PRESERVATION

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 262

Legal Deadline: None.

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
NPRM	10/30/87	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-6574

RIN: 1076-AA45

1203. CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART H - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)

Significance: Agency Priority

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Legal Deadline: None.

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification of the clause "adequate, free public school facilities" and refine existing criteria.

Timetable:

Action	Date	FR Cite
Hearings held with Indian leadership	08/00/86	
NPRM	03/00/87	
Final Action	07/00/87	

Small Entity: No

Additional Information: Adds a new Subpart H to 25 CFR 271.

Agency Contact: Elizabeth Holmgren, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts., NW, Washington, DC 20245, 202 343-4071

RIN: 1076-AB49

1204. SUBCHAPTER M -- INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT PROGRAMS

Significance: Regulatory Program

Legal Authority: 25 USC 450 et seq; PL 98-250

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 276; 25 CFR 277; 25 CFR 278

Legal Deadline: None.

Abstract: Technical amendments to the Indian Self-Determination Act permit Indian tribes, by mutual agreement, to enter into grants, cooperative agreements and contracts with the Bureau of Indian Affairs. As there are no regulatory provisions for the award of grants or cooperative agreements, the regulations will be revised to include such awards, as well as make general revisions to simplify and clarify the regulatory provisions pertaining to the contractibility of the trust, administrative and legal service functions performed by the Bureau.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/31/88	

Small Entity: Undetermined

Additional Information: Individual regulatory actions for 25 CFR Parts 271, 272, 274, 276, 277 and 278 have been consolidated as one action in the semi-annual agenda and the Regulatory Planning Program. The regulatory identification number for Subchapter M in the Regulatory Planning Program is 1076-AB62 which now includes all previous regulatory actions identified under 1076-AA47, 1076-AA48, 1076-AA50, 1076-AA52, 1076-AA53, and 1076-AA54, respectively, for the 25 CFR Parts listed above.

Agency Contact: Jay T. Suagee, Chief, Division of Self-Determination, Office of Indian Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4796

RIN: 1076-AB62

1205. ● CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT

Significance: Agency Priority

Legal Authority: 25 USC 450f

CFR Citation: 25 CFR 271.54

Legal Deadline: None.

Abstract: Various procedures associated with the operation of the indirect cost system have imposed major difficulties on projecting funding

and the recovery of all indirect costs by tribal contractors. The Bureau is proposing to revise its regulations to reduce critical problems tribal contractors experience while operating under the indirect cost system. The proposed rule also will bring the procedure for funding tribal contractors fully in line with the intent of PL 93-638, Section 106(h). The proposed rule change will be effective for PL 93-638 contracts consummated or awarded under the Act on or after October 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Jay T. Suagee, Chief, Division of Self-Determination, Office of Tribal Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4796

RIN: 1076–AC05

1206. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Legal Deadline: None.

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
NPRM	12/01/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3498

RIN: 1076–AA52

1207. SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT AND CORE MANAGEMENT GRANTS TO SMALL TRIBES. SUBPART B - SPECIAL GRANTS FOR ECONOMIC DEVELOPMENT

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 278, Subpart B

Legal Deadline: None.

Abstract: Special Grants for Economic Development - Subpart B should be deleted from 25 CFR 278. With the enactment of Public Law 98-449 "Indian Financing Act Amendments" and the completion of appropriate revisions to 25 CFR 286, Indian Business Development Program, it will be possible to remove 25 CFR 278.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Woody Sneed, Financial Analyst, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-1401

RIN: 1076–AB94

1208. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None.

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Agency Contact: Joe Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, 202 343-3657

RIN: 1076–AA55

1209. ● TRIBAL GAMING MANAGEMENT CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 81; 25 USC 415; 25 USC 301

CFR Citation: 25 CFR 287

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs is proposing a new rule which establishes the requirements to be met and procedures to be followed to obtain approval of management contracts for tribal gaming enterprises. This action is necessary because the federal courts have held that such management contracts are null and void without Secretarial approval pursuant to 25 U.S.C. 81. The intended effect of this rule is to replace the administrative guidelines previously announced by the Bureau for approval of such contracts and to establish uniform minimum standards for the review and approval of all such gaming management contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Catherine Wilson, Staff Assistant, Office of the Assistant Secretary, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-4576

RIN: 1076–AC07

1210. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None.

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies

and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	03/01/87	
Final Action	09/01/87	

Small Entity: Yes

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3498

RIN: 1076-AA56

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Final Rule Stage

1211. SAFETY CODE COMPLIANCE

Significance: Regulatory Program

Legal Authority: 25 USC 2005(b)

CFR Citation: 25 CFR Not yet determined

Legal Deadline: None.

Abstract: Legislation in Public Law 95-561 (25 U.S.C. 2005(b)) requires the establishment of a central jurisdictional authority for the adoption, interpretation, administration and enforcement of Bureau-wide adopted codes and standards. The Bureau will develop standards by which to measure the quality of building construction and safety and will establish a central authority to perform oversight functions to assure adequate life and structural safety.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: Undetermined

Agency Contact: Pete Dexter, Safety Specialist, Department of the Interior, Bureau of Indian Affairs, Division of Safety Management, Field Safety Office, P.O. Box 2186, Albuquerque, NM 87103, 505 766-2863

RIN: 1076-AB61

1212. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None.

Abstract: This Part is being revised to provide Courts of Indian Offenses with a complete and updated code of laws and to clarify the jurisdiction of those courts and their relationship to tribal governments and the Department of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Joseph Little, Judicial Services Staff, Law Enforcement, Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5786

RIN: 1076-AA01

1213. ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Legal Deadline: None.

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB59

1214. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to .46

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also

provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive Federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	07/00/87	

Small Entity: No

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, **202 343-1861**

RIN: 1076–AB87

1215. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None.

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	

Small Entity: No

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, **202 343-3611**

RIN: 1076–AB89

1216. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None.

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076–AA38

1217. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None.

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 225 and in the revisions to 25 CFR Part 211. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Removal of rule	04/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076–AA39

1218. OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Legal Deadline: None.

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joseph Johnston, Chief, Div. of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3722**

RIN: 1076–AA40

1219. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None.

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to

enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Joseph Johnston, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076–AA82

1220. WIND RIVER RESERVATION GAME CODE

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 64 Stat. 1262; 18 USC 1165; 16 USC 3371 to 3378; 15 Stat. 673; 5 USC 301

CFR Citation: 25 CFR 244

Legal Deadline: None.

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve, protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/84	49 FR 39308
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Room 4555, Washington, DC 20245, 202 343-4088

RIN: 1076–AB43

1221. ● FRASER RIVER CONVENTION SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 301

CFR Citation: 25 CFR 249

Legal Deadline: None.

Abstract: It is proposed that 25 CFR 249, Subpart B, Fraser River Convention Sockeye and Pink Salmon Fishery, be removed as a result of the United States and Canada entering into a new treaty on January 28, 1985, which terminated both the 1930 Convention and the International Pacific Salmon Fisheries Commission (IPSFC). Based on the 1985 treaty, there is no longer a need for this subpart. In 1986, and thereafter, the fishery will be governed by the regulations adopted by the Fraser River Panel and approved by the State Department and by Tribal regulations that are consistent with the Fraser River Panel regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife and Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4088

RIN: 1076–AC03

1222. INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Legal Deadline: None.

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, NW, Washington, DC 20245, 202 343-4088

RIN: 1076–AA83

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1223. PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Legal Deadline: None.

Abstract: The revision of this rule would extend the expired date of October 4, 1985, for a period of time to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Final Action	09/15/86	51 FR 32631
Final Action Effective	09/15/86	

Small Entity: No

Additional Information: Action will be taken to extend time limitation only upon request from the Osage Tribe and approval by the Deputy Assistant Secretary.

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-9306

RIN: 1076–AB60

1224. REALLOTMENT OF LANDS TO UNALLOTTED INDIAN CHILDREN

Legal Authority: 25 USC 461 to 479; 25 USC 408

CFR Citation: 25 CFR 156

Legal Deadline: None.

Abstract: Provides for the reallotment of original patent of lands to Indian children or the reallotment of land to when the original patent has been destroyed but is verifiable.

Timetable:

Action	Date	FR Cite
No further action will be taken at this time	03/00/87	

Small Entity: No

Agency Contact: Joseph Donahue, Acting Chief, Division on Real Estate Services, Department of the Interior, Bureau of Indian Affairs, Rm. 4520-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-7737

RIN: 1076-AB70

1225. LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Legal Authority: Sec. 26, 41 Stat. 1248; 50 Stat. 68

CFR Citation: 25 CFR 215; 25 CFR 212; 30 CFR Chapter II

Legal Deadline: None.

Abstract: The regulations in this part provide the procedures and processes for lead and zinc mining operations and leases within the Quapaw Agency. No changes to the regulations are being considered at this time.

Timetable:

Action	Date	FR Cite
No action will be taken at this time	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB75

1226. MANAGEMENT OF TRIBAL ASSETS OF UTE INDIAN TRIBE, UINTAH AND OURAY RESERVATION, UTAH, BY THE TRIBE AND THE UTE DISTRIBUTION CORP

Legal Authority: 25 USC 677 to 677aa Secs 27 & 28 of the Act of 8/27/54; 68 Stat. 868; 5 USC 301; 230 DM 1 and 2; 25 USC 2 Sec 463 of the Revised Statutes; 25 USC 9 Sec 465 of the Revised Statutes

CFR Citation: 25 CFR 217

Legal Deadline: None.

Abstract: The regulations state that the assets shall be managed jointly by the business committee and the board of directors. These regulations set out the procedures for exercising such joint management. There is currently a conflict concerning these regulations which may justify a review.

Timetable:

Action	Date	FR Cite
No action will be taken at this time.	04/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Johnston, Chief, Division of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB78

1227. LEASING OF CERTAIN LANDS IN WIND RIVER INDIAN RESERVATION, WYOMING, FOR OIL AND GAS MINING

Legal Authority: Sec 1, 39 Stat. 519

CFR Citation: 25 CFR 227; 30 CFR Chapter II; 17 CFR Chapter II; 30 CFR 221; 25 CFR 211.26(d)

Legal Deadline: None.

Abstract: The regulations in this part provide the procedures and processes for acquiring leases, processes of payment of royalties and rents and leasing operations on certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining. No changes are being considered at this time.

Timetable:

Action	Date	FR Cite
No action will be taken at this time.	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Johnston, Chief, Divison of Energy and Mineral Res., Department of the Interior, Bureau of Indian Affairs, Rm. 4529-Main Int., 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-9469

RIN: 1076-AB80

1228. CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450; 41 USC 501

CFR Citation: 25 CFR 271

Legal Deadline: None.

Abstract: A proposed rule, published in 47 FR 40326 on September 13, 1982, changed regulations to provide assistance to tribes from contracts to grants or cooperative agreement and for other purposes. The public comments to the proposed rule were overwhelmingly unfavorable. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) eliminate obsolete and unnecessary requirements, and (3) to clarify or simplify the regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40326
Hold hearings with Indian leadership on draft proposed rules	04/00/86	
Included in Subchapter M revisions, RIN 1076-AB62. Remove from agenda.	03/00/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Mary Widenhouse, Special Assistant, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3151

RIN: 1076-AA47

DOI—BIA

Completed Actions

1229. GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Significance: Regulatory Program

Legal Authority: 25 USC 450h

CFR Citation: 25 CFR 272

Legal Deadline: None.

Abstract: The purpose of this rule is (1) to provide for changes in administrative processes, (2) to establish procedures and definitions consistent with other parts of this chapter, and (3) to ensure that self-determination grants are consistent with legislative intent.

Timetable:

Action	Date	FR Cite
Included with Subchapter M under RIN 1076-AB62. Remove from agenda.	02/27/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: George Clark, Self-Determination Program Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4096**

RIN: 1076-AA48

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Minerals Management Service (MMS)

1230. ADMINISTRATION OF 20 PERCENT SET ASIDE

Significance: Regulatory Program

Legal Authority: 43 USC 1331 et seq

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: A review is under way to evaluate the implementation of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is to provide oversight under a more structured program, possibly involving new regulations. The potential benefits and costs of this action have not been determined

Timetable:

Action	Date	FR Cite
Federal Register Notice to solicit information and comments	03/00/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7817**

RIN: 1010-AA73

1231. ● ASSESSMENTS FOR INCORRECT OR LATE REPORTS AND FAILURE TO REPORT

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 216.40; 30 CFR 218.40

Legal Deadline: None.

Abstract: Current assessments, in some instances, are out of line with costs and the nature of the error. This burden on industry must be relieved as soon as possible. The assessment regulations in 30 CFR 216.40 and 218.40 reserve to the Minerals Management Service (MMS) the discretion whether or not to assess a reporter. However, the existing regulations do not give MMS any flexibility in determining the amount of assessment per line--it must be $10. After experience in making such assessments, MMS has determined that it must be able to vary the amount of the assessments. Therefore, MMS is amending the regulations that relate to the Auditing and Financial System (AFS) reporting in 30 CFR 218.40 and the regulations that relate to the Production Accounting and Auditing System (PAAS) reporting in 30 CFR 216.40 to provide that the assessment will be an amount "up to $10" for each report as defined in the respective regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AB08

1232. AIR QUALITY

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Legal Deadline: None.

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	

DOI—MMS **Prerule Stage**

Action	Date	FR Cite
Reach agreement on a negotiated rule or begin development of rule through standard processes	04/00/87	
Complete Determination of Effects of Rules	07/00/87	
NPRM	08/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7815

RIN: 1010-AA61

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1233. VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Legal Deadline: None.

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1858
NPRM Comment Period End	04/15/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA30

1234. VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal and Indian leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	02/13/87	52 FR 4732
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA54

1235. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 30 USC 192 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1840
NPRM Comment Period End	04/15/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AA83

1236. ● CHANGE EFFECTIVE DATE OF ADOPTED MODIFICATIONS TO NTL-5

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) published a Notice in the Federal Register on July 25, 1986 (51

FR 26759), to modify Notice to Lessees Number 5 (NTL-5) to provide more flexibility in valuing for royalty purposes, natural gas produced from onshore Federal and Indian leases. The modification was effective on August 1, 1986. However, MMS has received many complaints from industry that the prospective August 1, 1986, effective date of the modification, in some cases, leads to results which are unreasonable and contrary to applicable mineral leasing laws. Consequently, MMS proposes to make the effective date retroactive to a date to be established based on comments received.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 1671
Extension of comment period	02/10/87	52 FR 4195
NPRM Comment Period End	02/17/87	
Comment period end	03/19/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010-AB09

1237. PROVIDING INFORMATION CLAIMING REWARDS UNDER THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Legal Authority: 30 USC 1701; 30 USC 1723

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: Regulation for providing information and claiming rewards is needed to implement section 113 of the Federal Oil and Gas Royalty Management Act of 1982. No procedures are established on rewards. Rules would be developed to provide a process whereby persons having information on royalty or other payments owed to the United States could provide information and claim rewards. Alternatives considered are no action, issue a policy statement and no rule, or perform an extensive study. Very few information submissions and claims for rewards are expected as there is minimal interest to date. Therefore, costs are expected to be insignificant. Benefits would be assurance that the requirements of section 113 are being implemented and informants can provide information on amounts owed to the United States. Additional revenue is expected to be recovered.

Timetable:

Action	Date	FR Cite
NPRM	01/14/87	52 FR 1471
NPRM Comment Period End	03/16/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Dennis W. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, 303 231-3432

RIN: 1010-AB02

1238. THRESHOLD REQUIREMENT FOR PAYMENTS BY ELECTRONIC FUNDS TRANSFER

Legal Authority: 43 USC 1221 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) is proposing to amend 30 CFR 218 to change the threshold from $50,000 to $10,000 for royalty, bonus, and rental payments required to be made by Electronic Fund Transfer (EFT). This action would accelerate the collection and deposit cycle for MMS since payments under $50,000 are now made in the form of checks. The increased use of EFT would result in interest savings to the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/08/87	52 FR 687
NPRM Comment Period End	03/09/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, 303 231-3432

RIN: 1010-AB03

1239. ● DATA AND INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.3

Legal Deadline: None.

Abstract: The Minerals Management Service proposes to revise the timeframes for protection of proprietary geological data and information collected on a lease in the Outer Continental Shelf. This revision will provide additional assurance that the party that incurred the cost to produce the geological data and information will have a reasonable opportunity for exclusive use of it during at least one subsequent lease sale. The rule would apply to leases that are within the primary term.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AB07

1240. PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 280

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a

manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period End	04/08/85	
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA71

1241. EXTENSION OF PROTECTION OF PROPRIETARY DATA AND INFORMATION UNTIL A SUBSEQUENT LEASE SALE IN AN AREA

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 251.14

Legal Deadline: None.

Abstract: In some instances, current regulations result in release of proprietary data and information before the company which collected the data and information is able to use it during a lease sale in the area to which the data and information pertain. The proposed rule will revise the regulations to ensure that parties generating proprietary data and information are able to use the data and information in at least one lease sale.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Additional Information: RIN's 1010-AA93 and 1010-97 have been combined into 1010-AA93.

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA93

1242. SUPPLEMENTAL SALES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.12; 30 CFR 256.26

Legal Deadline: None.

Abstract: The rules at 30 CFR Part 256 will be revised to provide for supplemental sales and to establish limits on those supplemental sales. This rule is intended to allow the offering of rejected bid blocks, drainage blocks, and development blocks. The alternative is to operate under the current regulation and delay the leasing of certain blocks which may be critical to the development of an area or may be susceptible to loss of hydrocarbons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Complete initial analysis of comments	07/00/87	

Small Entity: No

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7815

RIN: 1010-AB05

1243. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None.

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010-AA87

1244. LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 281

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
ANPRM Comment Period End	08/19/85	
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise

Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA82

1245. DEVELOPMENT AND PRODUCTION OPERATIONS FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 282

Legal Deadline: None.

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/86	51 FR 12163
ANPRM Comment Period End	08/07/86	
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: Undetermined

Agency Contact: Jane Roberts, Legislative Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010-AA81

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Final Rule Stage

1246. OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Legal Deadline: None.

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9316
NPRM Comment Period End	11/25/86	51 FR 40819
Complete Initial Review of public comments	02/00/87	
Complete draft of Final Rule	05/00/87	

Small Entity: No

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in an H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52, OCS Order No. 9, Pipelines; 1010-AA98, 30 CFR 250.44, Borehole Abandonment.

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7815

RIN: 1010-AA53

1247. ACCIDENTS, FIRES, AND MALFUNCTIONS FACT-FINDINGS PROCEEDINGS

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.45(c), (new)

Legal Deadline: None.

Abstract: Proposes to establish procedures to obtain testimony from witnesses or persons who have knowledge of serious accidents, fires, blowouts, or spills that occurred during oil and gas and sulphur operations in the Outer Continental Shelf. The testimony would help accident investigation panels to determine the cause or probable cause of an accident under investigation. The procedures would facilitate meetings of investigatory panels and would reduce legal challenges to future Minerals Management Service fact-finding investigations. The alternative would be not to have procedures. The proposed rule is procedural in nature; therefore, it does not imply cost.

Timetable:

Action	Date	FR Cite
NPRM	04/24/86	51 FR 15502
NPRM Comment Period End	05/27/86	
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Willaim Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010-AA88

DOI—MMS

Final Rule Stage

1248. REPORT OF CESSATION OF PRODUCTION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.93

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) proposes to add the requirement for a report of cessation of production for leases in their extended term which have ceased production. This proposed regulation addresses a situation created by the elimination of the Monthly Report of Operations. Without the Monthly Report of Operations, MMS does not have timely information concerning the status of a lease. The alternative is to continue collecting the Monthly Report of Operations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37200
NPRM Comment Period End	11/19/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7815**

RIN: 1010-AB04

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1249. COMPUTATION OF OIL AND GAS TRANSPORTATION ALLOWANCE

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: These regulations will establish consistent procedures for the determination of the oil and gas transportation deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
Merged with 1010-AA30 and AA54	01/09/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver, Federal Center, MS 628, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA45

1250. COMPUTATION OF GAS PROCESSING DEDUCTIONS

Significance: Regulatory Program

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: These regulations will provide consistent procedures for the determination of the gas processing deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
Merged with 1010-AA54	01/09/87	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA46

1251. PRODUCT VALUATION WASTE PREVENTION; BENEFICIAL USE

Legal Authority: 30 USC 1701 et seq; 43 USC 3160

CFR Citation: 30 CFR 206

Legal Deadline: None.

Abstract: Regulation to modify 30 CFR 206.100 is needed to reference Bureau of Land Management (BLM) regulations on the prevention of waste of oil and gas. Regulations at 30 CFR 206 are inconsistent with BLM regulations. Rules would be modified to make the MMS rule, to be effective retroactive to 10/22/84, consistent with BLM rule. Alternative considered is no action. Costs are expected to be minimal. Benefits would be the assurance that MMS regulations and BLM regulations are consistent in the valuation of wasted or avoidably lost production for oil and gas. Guidance to industry would be improved.

Timetable:

Action	Date	FR Cite
Final Action	02/06/87	52 FR 3796
Final Action Effective	02/06/87	

Small Entity: No

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, Colorado 80225, **303 231-3432**

RIN: 1010-AB01

1252. ROYALTY-IN-KIND CRUDE OIL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Legal Deadline: None.

Abstract: The Royalty-in-Kind provisions of these rules, some of which

were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its Royalty crude oil. The contents of existing 30 CFR 208 and 30 CFR 209 will be combined at new 30 CFR 208. 30 CFR 209 will be removed.

Timetable:

Action	Date	FR Cite
NPRM	01/20/87	52 FR 2202
NPRM Comment Period End	02/19/87	
No action expected in next 12 months	02/27/87	

Small Entity: No

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA31

1253. DIRECT PAYMENT OF ROYALTIES TO INDIAN TRIBES OR ALLOTTEES

Legal Authority: 25 USC 396; 25 USC 476; 25 USC 477; 25 USC 509

CFR Citation: 30 CFR 218; 25 CFR 211; 25 CFR 212

Legal Deadline: None.

Abstract: The Minerals Management Service is considering direct payment of minerals royalties to Tribes or allottees. Annually, about $175 million is distributed to approximately 20,000 individual allottees and Tribes. The payments are sent by the payor to MMS and from MMS to the Bureau of Indian Affairs for distribution. The present system increases the risk of making late or wrong payment and is extremely expensive and inefficient to administer. Also, accountability is difficult to establish under the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	01/12/87	

Small Entity: Undetermined

Agency Contact: Dennis Whitcomb, Chief, Rules and Procedures Branch, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 628, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010-AA78

1254. REMOVAL OF POSTPRODUCTION PLATFORMS

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Legal Deadline: None.

Abstract: Information is being solicited concerning requirements governing removal of postproduction platforms. Changes could provide more latitude for disposition of platforms following the completion of OCS oil and gas operations. Benefits could include increased development of marine life, improvements in private and commercial fishing, and reduced costs to industry. Alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/84	49 FR 44924
ANPRM Comment Period End	01/13/85	
ANPRM - Second	03/05/86	51 FR 7584
Complete Initial Analysis of Comments	09/00/86	
Withdrawn Rulemaking action on this issue is premature.	01/09/87	

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7817**

RIN: 1010-AA66

1255. SAFETY AND POLLUTION PREVENTION EQUIPMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250, (OCS Order No. 5)

Legal Deadline: None.

Abstract: The Minerals Management Service proposes to amend OCS Order No. 5, "Production Safety Systems," to incorporate by reference the 1985 Edition of ANSI/ASME SPPE-1 and the 1984 Edition of API Specifications 14A and 14D in lieu of editions currently incorporated, and delete the current incorporation by reference of ANSI/ASME SPPE-2.

Timetable:

Action	Date	FR Cite
NPRM	09/18/86	51 FR 33146
NPRM Comment Period End	10/20/86	
Final Action	02/19/87	52 FR 5196
Final Action Effective	03/23/87	

Small Entity: No

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Dr., Reston, VA 22091, **703 648-7608**

RIN: 1010-AA96

1256. BOREHOLE ABANDONMENT

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.44

Legal Deadline: None.

Abstract: There are no provisions in current Minerals Management Service regulations which address the requirements for the temporary abandonment of a borehole. This revision allows an operator to temporarily abandon a borehole in an environmentally sound manner. There are no potential additional costs as the rule reflects current industry practice. The benefits are an operator may be able to utilize a drilled well at a later point rather than immediately abandoning it, thereby reducing the cost of operations. The requirements in the amendment will ensure that the temporarily abandoned wells will not constitute a hazard to navigation or other uses of the ocean, or to the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 29947
NPRM Comment Period End	09/21/86	
Final Action - to be merged with 1010-AA53.	02/27/87	

Small Entity: No

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service,

Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010-AA98

1257. OUTER CONTINENTAL SHELF: NOTICE OF SALE

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.29(c)

Legal Deadline: None.

Abstract: The Minerals Management Service (MMS) proposes to amend the regulation to require the publication in the Federal Register of a notice of availability in lieu of publication of the proposed Notice of Sale, thereby reducing annual publication costs to MMS. The alternative is to continue the current practice of publishing the Proposed Notice of Sale in the Federal Register. There would be no costs or savings to lessees.

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26268
NPRM Comment Period End	08/21/86	
Final Action	10/20/86	51 FR 37177
Final Action Effective	11/19/86	

Small Entity: No

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7608

RIN: 1010-AB06

1258. APPEALS PROCEDURES

Legal Authority: 25 USC 396; 25 USC 396a; 30 USC 181 to 287; 30 USC 351 to 359; 30 USC 1001 to 1025; 30 USC 1701 to 1757; 43 USC 1331 to 1356

CFR Citation: 30 CFR 290

Legal Deadline: None.

Abstract: Revisions to 30 CFR 290 are needed to assure that the administrative appeals procedures are compatible with the newly adopted civil penalty regulations of 30 CFR 241, are in accord with current organizational configurations, and contain new provisions concerning filing dates and the submission of confidential information. Persons exercising administrative appeals rights would be required to identify information that they claim is exempt from public disclosure and to provide second copies of appeals documents. The procedural revisions should increase efficiencies in processing appeals and reduce risks of inadvertent disclosure of private information. The maximum estimated total cost of the proposed revisions is not expected to exceed $5,000 per year for all affected persons.

Timetable:

Action	Date	FR Cite
Withdrawn Rulemaking action not required at this time.	01/05/87	

Small Entity: No

Agency Contact: C. Eric Hager, Regulatory Specialist (Appeals), Department of the Interior, Minerals Management Service, Mail Stop 623, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7729

RIN: 1010-AA68

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1259. ● TERMINATION OF JURISDICTION UNDER SMCRA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11

Legal Deadline: None.

Abstract: The Surface Mining Control and Reclamation Act (SMCRA) does not specifically define the cutoff point at which a person's reclamation obligations are absolved, therefore a rule is needed to specify when liability is terminated. The significant and sensitive nature of this issue warrants rulemaking to resolve the issue of when a person's liability under SMCRA ends. The regulations in question are specific to the responsibilities of the Depart. of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. OSMRE has never addressed this issue in a rulemaking. The regulatory authority will issue a written determination ending liability under the Act where the following conditions apply. For permanent program operations it proposes to terminate an operator's liability under the Act at the time of final bond release where all applicable regulatory program requirements have been met. For initial program operations, liability will end where all requirements of the Act and regulations have been met. In addition, for both categories of operations, there (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: must be no unabated Federal or State notices of violation or cessation orders outstanding before liability can be terminated.

Agency Contact: Daniel Stocker, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5385

RIN: 1029-AB07

1260. ● SURFACE COAL MINING OPERATIONS; DEFINITION OF IN CONNECTION WITH

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.5

Legal Deadline: None.

Abstract: The rule will codify the definition of the phrase "in connection with" as used in the definition of surface coal mining operations at 30 CFR 700.5. The definition of "in connection with" will clarify which

activities are associated with surface coal mining operations and therefore subject to the requirements of the Surface Mining Control and Reclamation Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AB08

1261. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None.

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1507

RIN: 1029-AA54

1262. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA60

1263. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784

Legal Deadline: None.

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e)(4) and (5) of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in sections 522(e)(4) and (5) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
Notice of intent to prepare a draft EIS & Preliminary RIA: Scoping Meeting	06/19/85	50 FR 25473
Notice of Scoping Meeting, Request for comments	06/19/85	50 FR 25473
ANPRM Comment Period End	08/27/85	50 FR 13250
NPRM	06/00/87	
Hearing on Draft EIS	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	
Final Action Effective	01/00/88	

Small Entity: Yes

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of E.O. 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of E.O. 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 136 S, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029-AA80

1264. PERMANENT REGULATORY PROGRAM DEFINITIONS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rulemaking is in response to a court order of the District Court for the District of Columbia which remanded the portion of OSM's definition of "affected area" relating to the description and inclusion of roads in "affected areas." The proposed regulation will address alternative definitions and descriptions of roads as part of the definition of "affected areas" and clarify the relationship of these terms to various provisions of the Surface Mining Control and Reclamation Act of 1977. OSM is unable at this time to determine precisely what additional costs would be associated with the rule. It should be minimal, however, as this rule is intended only to identify the limitations on roads to be included in surface mining operations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Pat Boyd, Policy Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5121, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1473

RIN: 1029-AA84

1265. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Legal Deadline: None.

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA94

1266. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Legal Deadline: None.

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 134S, 202 343-5241

RIN: 1029-AA53

1267. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707

Legal Deadline: None.

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of the scope of Part 707 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Reclamation Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, 202 343-4850

RIN: 1029-AA58

1268. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 772.11; 30 CFR 772.12

Legal Deadline: None.

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Mary Josie Smith, Branch of Western Activities, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5111 L, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5150**

RIN: 1029-AA92

1269. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736

Legal Deadline: None.

Abstract: OSMRE will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	08/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Andrew DeVito, Chief, Division of Permit & Environmental Analysis, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 134S, **202 343-5241**

RIN: 1029-AA71

1270. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Legal Deadline: None.

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Leonard Richeson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5866**

RIN: 1029-AA76

1271. ● SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 750

Legal Deadline: None.

Abstract: The proposed rule would implement Court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5144**

RIN: 1029-AB04

1272. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None.

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court Decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Scoping Hearings for NEPA and RIA	04/00/86	
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-7951**

RIN: 1029-AA77

1273. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1254; 30 USC 1272

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(a); 30 CFR 761.11(c); 30 CFR 769.14(a)(3); 30 CFR 769.14(b)(2)

Legal Deadline: None.

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-7930

RIN: 1029-AA90

1274. ● SUBSTANTIAL LEGAL AND FINANCIAL COMMITMENT

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The proposed rule would amend the definition of the phrase "substantial legal and financial commitments" as required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations. The definition will clarify what is needed for a determination of a "substantial legal and financial commitment" in a surface coal mining operation. Such a determination would exempt land from a designation as unsuitable for surface coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: James M. Kress, Federal Land Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution, Ave., NW, Washington, DC 20240, 202 343-7953

RIN: 1029-AB01

1275. ● UNSUITABILITY PETITION PROCESS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 764; 30 CFR 769

Legal Deadline: None.

Abstract: The proposed rule would amend the State and Federal process for designating land unsuitable for surface coal mining operations. The revision would standardize the State and Federal procedures and establish new time frames for processing petitions. The revisions are required by a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Catie Roy, Program Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5143

RIN: 1029-AB00

1276. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 778

Legal Deadline: None.

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778 which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA96

1277. ● PERMANENT REGULATORY PROGRAM; REQUIREMENTS FOR PERMITS, INFORMATION ON HYDROLOGIC IMPACTS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 780.21(f); 30 CFR 784.14(e)

Legal Deadline: None.

Abstract: The rule sets a life of permit as the parameter for the determination of the probable hydrologic consequences (PHC) of the proposed operation upon the quality and quantity of surface and groundwater under seasonal flow conditions for the proposed permit and adjacent areas. The rule re-promulgates the suspended 1983 rules with an expanded preamble and record to support the rule language. This was requested by the Court as a result of litigation. The rule will result in lower costs to industry and a reduction in their information collection requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1507

RIN: 1029-AB11

1278. PERMANENT REGULATORY PROGRAM - MOUNTAINTOP REMOVAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785

Legal Deadline: None.

Abstract: The proposed rule amends the rules for "Permits for Special Categories of Mining -- Mountaintop Removal Mining." This action will correct an inadvertent error whereby certain substantive provisions concerning mountaintop removal mining in the Surface Mining Control and Reclamation Act of 1977 (the Act) were not included in previous implementing regulations. These provisions include a finding for permit issuance that the applicant has presented specific plans for the proposed postmining land use and has made appropriate assurances for the use. The addition of these provisions will make the rules for mountaintop removal mining consistent with the Act, as well as with the Secretary's brief In Re: Permanent Surface Mining Regulation Litigation II, (round III). The requirements of the proposed rule will ensure that all the substantive provisions of the Act are applied to mountaintop removal coal mining operations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA97

1279. ● REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING; EXPERIMENTAL PRACTICES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 785.13

Legal Deadline: None.

Abstract: The proposed rule would revise the permit application requirements applicable to experimental practices as provided by section 711 of SMCRA. Section 711 allows for departures from the environmental protection performance standards of section 515 and 516 of the Act. The rule would be revised to encourage advances in mining and reclamation practices and special alternative postmining land uses. No additional costs to the environment would occur because experimental practices cannot be authorized if they are not as environmentally protective as the requirements of section 515 and 516. The rule revision may provide coal mine operators the ability to utilize more cost efficient mining and reclamation practices.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: John Parsons, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029-AB06

1280. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None.

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 28, 1983), involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029-AB09

1281. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102(g)(2); 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None.

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	12/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA57

1282. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.101

Legal Deadline: None.

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AB02

1283. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.102

Legal Deadline: None.

Abstract: The proposed regulation is in accordance with a Court approved settlement agreement and would provide a method of calculating civil penalties when compliance with Section 30 CFR 816.102(a) cannot be accomplished using Best Technology Currently Available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k). The regulation will require an undetermined information collection requirement on the regulatory authority, the cost of which has not been calculated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AB10

1284. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES – REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.116(b)(3)(ii); 30 CFR 816.116(c)(4); 30 CFR 817.116(b)(3)(ii); 30 CFR 817.116(c)(4); 30 CFR 816.116(c)(2); 30 CFR 817.116(c)(2)

Legal Deadline: None.

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Arlo Dalrymple, Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5840

RIN: 1029-AA86

1285. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.49; 30 CFR 817.49

Legal Deadline: None.

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5101 L, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029-AA79

1286. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Legal Deadline: None.

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: Donald Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1510

RIN: 1029-AA64

DOI—OSMRE

Proposed Rule Stage

1287. SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Significance: Regulatory Program

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Legal Deadline: None.

Abstract: The proposed rule would clarify inspection requirements of surface coal mining and reclamation and exploration operations under initial and permanent regulatory programs. It would also define the various types of sites in surface coal mining and reclamation and exploration operations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Daniel E. Stocker, Chief, Section of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5384

RIN: 1029-AA67

1288. ● COLLECTION OF AML FEES - MOISTURE CONTENT OF COAL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 870

Legal Deadline: None.

Abstract: The present regulations require the weight of coal (for the purpose of calculating the tonnage upon which the AML fee is calculated) to be determined at the point of first sale. This weight includes not only that of the saleable coal, but also that of the extraneous material including the moisture content. Recent action by the Internal Revenue Service (IRS) issued a revenue-ruling for the Black Lung Tax to allow for the deduction of a moisture content allowance from the tonnage upon which the Black Lung Tax is collected. The IRS decision to make this change in its regulations was based on a Federal court decision. Taft Coal Co. v. U.S., 605 F. Supp. 366, (N.D. Ala. 1984). OSMRE proposes to change the existing regulations to create a standard moisture allowance which would be consistent with that allowed by the IRS for the Black Lung Tax program. Regulations dealing with the basis upon which a tax or fee is assessed should be consistent for administrative convenience and equity to the coal operator. Federal action is required since OSMRE is directly responsible for collecting the AML fee and for establishing the regulations promulgating (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: standards under which the fee is collected. The regulations in question are specific to the responsibilities of they Department of the Interior, OSMRE, and they implement SMCRA. No other Federal agency is authorized to undertake this action on behalf of the Department. The regulation will be changed to include a moisture content allowance. Standards will be developed to establish a percentage allowance consistent with the IRS approach for the Black Lung Program and with industry technical standards for moisture content calculation.

Agency Contact: Jane Robinson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 898-1489

RIN: 1029-AB03

1289. ABANDONED MINE LAND FUNDING - ELIGIBILITY OF LAND REAFFECTED BY MINING

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 874

Legal Deadline: None.

Abstract: The proposed rule would clarify what land is eligible for abandoned mine land reclamation funding. Under existing regulations, abandoned mine land reaffected after August 3, 1977, the date of enactment of Surface Mining Control and Reclamation Act, is ineligible for reclamation funding. The Office of Surface Mining Reclamation and Enforcement believes that non-eligibility for reclamation funding places an undue hardship on surrounding communities. The rule would allow expenditure of Abandoned Mine Land Reclamation Funds if such projects meet certain specific criteria in order to restore affected environments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Realty Officer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4850

RIN: 1029-AA95

1290. ● CALIFORNIA FEDERAL PROGRAM

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 905

Legal Deadline: None.

Abstract: The proposed rule would establish a Federal program for the State of California. Under the Federal program, surface coal mining and reclamation operations in California will be subject to the OSMRE's permanent program requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Mary Josie Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5150

RIN: 1029-AB05

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Office of Surface Mining Reclamation and Enforcement (OSMRE)

1291. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM-OWNERSHIP AND CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	06/28/85	
NPRM Comment Period Reopened	04/16/86	51 FR 12879
Reopen NPRM Comment Period Extended	06/25/86	51 FR 23085
Reopen NPRM Comment Period End	08/11/86	51 FR 23085
Final Action	05/00/87	

Small Entity: No

Agency Contact: Andrew F. DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA56

1292. PERMANENT REGULATORY PROGRAM DEFINITION OF COAL PREPARATION PLANTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700; 30 CFR 701.5; 30 CFR 785; 30 CFR 827

Legal Deadline: None.

Abstract: The proposed rule will revise the 1983 definition of "coal preparation or coal processing" which was formulated on the basis of OSMRE's previous interpretation of Section 701(28)(A) of the Act. In accordance with the District Court of the District of Columbia decision, OSMRE would adopt a new definition which would include chemical or physical processing or cleaning, concentrating or other processing or preparation of coal. Facilities not involving separation of coal from its impurities would be included within this definition. The definition of coal preparation plant will be revised to track the new definition of "coal preparation." Also the definition of support facilities will be removed from this rule and proposed separately. The proposed rule for coal preparation plants would bring on a large number of additional facilities under the jurisdiction of SMCRA therefore adding to environmental protection and could impose added costs to industry.

Timetable:

Action	Date	FR Cite
NPRM	07/10/85	50 FR 28180
Interim Final Rule	07/10/85	50 FR 28186
NPRM Comment Period End	11/24/85	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA73

1293. PERMANENT PROGRAM PERFORMANCE STANDARDS DEFINITIONS, PREVIOUSLY MINED AREAS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773

Legal Deadline: None.

Abstract: This rulemaking action is in response to a Court Order by the U.S. District Court for the District of Columbia In re; Permanent Surface Mining Regulation Litigation II, July 15, 1985. The proposed regulation would amend the definition of previously mined area to include only those lands mined prior to May 3, 1978, or prior to January 1, 1979 for certain small operators exempted under 30 CFR 710.12, and not reclaimed to the standards of the Act. This rule may lead to a reduction of environmental benefits since there will be less incentive for remining and reclamation of mines abandoned after May 3, 1978. Otherwise, there is no significant increase or decrease in costs.

Timetable:

Action	Date	FR Cite
NPRM	07/31/86	51 FR 27508
NPRM Comment Period End	10/09/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 210, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA88

1294. INDIVIDUAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 723; 30 CFR 724; 30 CFR 845; 30 CFR 846, (New)

Legal Deadline: None.

Abstract: The proposed rule will improve the implementation of Section 518(f) of the Surface Mining Control and Reclamation Act by clarifying the meaning of "knowing and willful" and defining the manner in which a daily penalty will be assessed for a continuing violation. Corporate officials associated with a permittee in violation of the Act will be identified and assessed individual civil penalties in addition to any penalties imposed on the Corporate entity.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	03/04/86	
NPRM	12/24/86	51 FR 46838
Final Action	09/00/87	

Small Entity: No

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Washington, DC 20240, 202 343-5241

RIN: 1029-AA81

DOI—OSMRE

Final Rule Stage

1295. CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR MINING OPERATIONS FRAGILE AND HISTORIC

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Legal Deadline: None.

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	07/25/85	50 FR 30408
NPRM Comment Period End	10/03/85	
NPRM Comment Period Reopened	12/10/86	51 FR 44484
Reopen NPRM Comment Period End	02/09/87	51 FR 44484
Final Action	07/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Archeologist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7951**

RIN: 1029-AA62

1296. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 843

Legal Deadline: None.

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	09/24/86	
Final Action	05/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5241**

RIN: 1029-AA66

1297. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773

Legal Deadline: None.

Abstract: This regulation is intended to clarify existing requirements concerning protection of historic properties which may be affected by surface coal mining and reclamation operations. This rule would clarify that States with regulatory programs approved by the Secretary of the Interior have authority to require specific actions to assist the Secretary of the Interior comply with section 106 of the National Historic Preservation Act. Since this is a clarification of existing requirements, no change in costs are expected. Benefits will be seen in more clarity in regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/11/86	51 FR 8466
NPRM Comment Period End	06/09/86	51 FR 8466
Final Action	03/00/87	

Small Entity: No

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7951**

RIN: 1029-AA87

1298. SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Legal Deadline: None.

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19498
NPRM Comment Period End	08/07/86	51 FR 19498
Final Action	05/00/87	

Small Entity: No

Agency Contact: Bruce Klein, Department of the Interior, Office of Surface Mining Reclamation and

DOI—OSMRE **Final Rule Stage**

Enforcement, Ten Parkway Center, Pittsburgh, PA 15220, **412 937-2895**

RIN: 1029-AA74

1299. REQUIREMENT TO RELEASE PERFORMANCE BONDS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 800-40(a)(2)

Legal Deadline: None.

Abstract: This proposed rule would require that an applicant for bond release include the name of the permittee in the application. This action is being taken as a result of a commitment made during litigation on bonding requirements before the District Court for the District of Columbia where it was found that an explicit requirement for providing the name of the applicant was necessary. Also the proposed revision would allow certain third parties to guarantee self-bond. This action is being taken as a result of OSMRE on June 13, 1986 accepting a proposal to revise self-bonding regulations sought in a petition for rulemaking by the National Coal Association/American Mining Congress (NCA/AMC) Joint Committee on Surface Mine Regulations. There will be no increase or decrease in the cost/benefits of this rule.

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42984
NPRM Comment Period End	02/04/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Frank Mancino, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5143**

RIN: 1029-AA91

1300. PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES - HYDROLOGIC BALANCE PROTECTION

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.41(b)(2)

Legal Deadline: None.

Abstract: The rulemaking is in response to a challenge of this issue in District Court where the Office agreed to suspend 30 CFR 817.41(b)(2), concerning requirement to restore groundwater recharge capacity, and repromulgate the rule to develop the administrative records. OSM will propose two options: (1) removing 817.41(b)(2) and (2) retaining this paragraph while asking for comments concerning its legality, technological validity, and environmental impacts. Since this rule will be repromulgated with options, a determination of its potential costs and benefits cannot be assessed until comments are received and options chosen.

Timetable:

Action	Date	FR Cite
NPRM	12/11/86	51 FR 44742
NPRM Comment Period End	02/19/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 5010 L, 1951 Constitution Ave., NW, Washington, DC, **202 343-5843**

RIN: 1029-AA75

1301. STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Legal Deadline: None.

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Timetable:

Illinois (913)
NPRM 04/00/87

Utah (944)
NPRM 03/31/82 (47 FR 13738)
Final Action 03/00/87

Virginia (946)
NPRM 06/27/83 (48 FR 29545)
Final Action 03/00/87

Wyoming (950) (Amendment)
Final Action 12/16/86 (51 FR 45082)

Small Entity: No

Agency Contact: Mary Josie Smith, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5150**

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1302. SUBCHAPTER A - GENERAL, APPLICABILITY

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 700.11; 30 CFR 704

Legal Deadline: None.

Abstract: The lack of review procedures for operations meeting the two-acre exemption under the Surface Mining Control and Reclamation Act has led to difficulty in enforcing this provision of the Statute. Therefore, OSMRE is proposing to implement rules to identify the procedures by which a surface mining operation will be exempted from the provisions of the Statute. The proposed rule will identify the qualification and operator notification requirements, verification procedures and recordation process. The rule would result in benefits to small operators and regulatory authorities in clarifying those operations clearly meeting the exemption criteria and they would be treated as such. No additional costs to the environment would occur because operations would not commence within a specified time of notice, for regulatory authority review. Rulemaking action deferred pending further review.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, Room 134S, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA89

1303. PERMANENT REGULATORY PROGRAM DEFINITION OF ADVERSE PHYSICAL IMPACT

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.106(b); 30 CFR 817.106(b)

Legal Deadline: None.

Abstract: This regulation addresses the result of a joint motion approved by the District Court for the District of Columbia on December 3, 1984. The final regulation will remove the definition of adverse physical impact; remove the limitations imposed by 30 CFR 816.106(b) and 817.106(b); and require that all reasonably available spoil in the immediate vicinity of the remining operation be used to backfill the highwall to the maximum extent technically practicable. In view of the joint motion this is the only alternative being considered. There will be little if any potential costs because of the very limited application of this rule. Therefore, benefits which will result will also be very limited. The proposed rule asks for public comment on this very issue.

Timetable:

Action	Date	FR Cite
NPRM	06/13/85	50 FR 7522
NPRM Comment Period End	08/22/85	
Final Action	11/08/86	51 FR 41734
Final Action Effective	12/08/86	

Small Entity: No

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5843

RIN: 1029-AA52

1304. RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 705

Legal Deadline: None.

Abstract: This rule addresses the Office of Surface Mining's removal of the exemption for members of multiple interest boards in the definition of the term "employee" in 30 CFR 705 for purposes of determining restrictions on financial interests of State regulatory authority employees.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52098
NPRM Comment Period End	07/31/84	49 FR 22498
Final Action	10/17/86	51 FR 37118
Final Action Effective	11/17/86	51 FR 37118

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Peggy Moran, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, Room 5415 L, 202 343-4665

RIN: 1029-AA41

1305. MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 733

Legal Deadline: None.

Abstract: This rule will be revised to provide the Director, Office of Surface Mining, with additional options when problems are identified in the administration of approved State programs. The Office will propose a shortened, streamlined process for taking action when a site-specific problem arises in a State. Rulemaking action suspended pending conclusion of State oversight studies.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Richard O. Miller, Chief, Regulatory Development and Issues Management, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029-AA42

1306. PERMANENT PROGRAM PERFORMANCE STANDARDS AND PERMIT APPLICATION MINIMUM REQUIREMENTS - UNDERGROUND MINING ACTIVITIES SUBSIDENCE CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20(d); 30 CFR 817.121(c)(2)

Legal Deadline: None.

Abstract: Following Permanent Surface Mining Regulation Litigation II, the court remanded Section 817.121(c)(2) of the subsidence control rule relating to the protection of surface structures and facilities to OSMRE to repromulgate the rule for notice and comment, holding that the final 1983 rule represented a radical change from the 1982 proposed rule. In remanding Section 817.121(c)(2) for further comment, the court also found that the 1979 rule requiring the subsidence control plan (Section 784.20(d)) to include the results of the pre-subsidence survey and description of proposed monitoring measures were deleted in the 1983 final rules without adequate notice. Because this rule related to Section 817.121(c)(2) concerning the protection of surface structures, the court ordered the Secretary to request additional public comments on this deletion in conjunction with the comments of 817.121(c)(2). No other alternative to the repromulgation of these rules is being considered because of the court order. Depending upon the number and types of comments received, the 1983 rules may or may not be changed. Consequently the action's potential costs and benefits cannot be assessed.

DOI—OSMRE **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	07/08/85	50 FR 27910
NPRM Comment Period End	09/16/85	
Final Action	02/17/87	52 FR 4860

Small Entity: No

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1928**

RIN: 1029-AA63

1307. RECLAMATION ON PRIVATE LAND

Legal Authority: 30 USC 1238

CFR Citation: 30 CFR 882

Legal Deadline: None.

Abstract: To address concerns raised by Inspector General and States in regulations implementing Lien Provisions of Surface Mining Control and Reclamation Act. Provisions for documenting lien waivers and defining unclear terms will be proposed. State and Federal reclamation programs will expend more time and resources documenting their decisions to waive liens but possibility for windfall profits to private landowners from expenditure of federal funds will be decreased. Satisfaction of liens will result in recovery of federal funds. Rulemaking action suspended.

Timetable:

Action	Date	FR Cite
Withdrawn	02/10/87	

Small Entity: Undetermined

Agency Contact: Helen Richards, Realty Officer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, Room 5124 L, **202 343-4850**

RIN: 1029-AA68

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI) **Proposed Rule Stage**

Bureau of Reclamation (RB)

1308. OFF-ROAD VEHICLE USE

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Legal Deadline: None.

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Fred Gientke, Chief, Water O&M Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, **303 776-8081**

RIN: 1006-AA06

1309. ● ACREAGE LIMITATION RULES AND REGULATIONS

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: None.

Abstract: This rule will be amended to remove reference to the term "gift" in section 426.16(a).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Roland Dolly, Special Assistant to the Commissioner, Department of the Interior, Bureau of Reclamation, 1800 C Street, NW, Washington, DC 20240, **202 343-4115**

RIN: 1006-AA16

DEPARTMENT OF THE INTERIOR (DOI) **Final Rule Stage**

Bureau of Reclamation (RB)

1310. ACREAGE LIMITATION: REVISED PROPOSED RULES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: Statutory, April 17, 1987.

Abstract: Under the Reclamation Reform Act (RRA) of 1982, districts and individuals have the option of coming under the acreage limitation provisions of the new law or remaining subject to those of prior Reclamation law. Section 203(b) of the RRA provides that districts have 4 1/2 years from the date of enactment of the RRA to amend their existing repayment and water service contracts to come under the RRA provisions. After April 12, 1987, individuals in nonamending districts will be required to pay full cost for water supplied to leased land in excess of 160 acres.

The final rules published in December 1983 did not address implementation of section 203(b). The existing rules need to be revised in order to implement this provision, as required by law.

DOI—RB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 43742
NPRM Comment Period End	02/05/87	
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: James Cook, Chief, Division of Water and Land, Department of the Interior, Bureau of Reclamation, 18th & C Sts., NW, Washington, DC 20240, 202 343-5104

RIN: 1006-AA15

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Completed Actions

1311. NEWLANDS RECLAMATION PROJECT, NV; TRUCKEE RIVER STORAGE PROJECT, NV; & WASHOE RECLAMATION PROJECT; NV-CA (TRUCKEE & CARSON RIVER BASINS, CA-NV); PYRAMID LAKE INDIAN RESERVATION, NV, ETC

Legal Authority: 43 USC 373; 33 USC 466; 16 USC 703 to 711; 16 USC 715 to 715r; 32 Stat 388; 70 Stat 775; 72 Stat 705

CFR Citation: 43 CFR 418, (Revision)

Legal Deadline: Judicial. The issue is under Judicial deadline imposed by court order, but is being held up by pending legal suits.

Abstract: Allocation of water for irrigation, Indian tribes and endangered species in an area of water shortage as required by the Secretary of the Interior by Court Order orders. See Pyramid Lake Paiute Tribe of Indians v. Morton, 353 F. Supp. 252 (D.D.C. 1973) and Carson-Truckee Water Conservancy District v. Watt, 549 F. Supp. 704 (D. Nev. 1982).

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11515
Withdrawn	02/27/87	

Small Entity: Undetermined

Additional Information: TITLE CONT: Stillwater Area, NV.

New legislation and revised operating criteria are being proposed, therefore the next action is undetermined at this time.

Affected Sectors: 01 Agricultural Production-Crops; 09 Fishing, Hunting, and Trapping

Agency Contact: Kenneth E. Collins, Chief, Water Operations Branch, Department of the Interior, Bureau of Reclamation, 18th & C Streets, NW, Washington, DC 20240, 202 343-5471

RIN: 1006-AA08

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Proposed Rule Stage

1312. PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Legal Deadline: None.

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc.), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Robert Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA77

1313. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None.

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB20

1314. ● EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2200

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: Dave Hemstreet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB28

1315. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None.

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Jim Crisp, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB19

1316. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB10

1317. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AB00

1318. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA98

1319. RECREATION AND PUBLIC PURPOSES ACT LEASES

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Legal Deadline: None.

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Rob Nauert, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA73

1320. ● LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740; 43 USC 1733; 43 USC 1734

CFR Citation: 43 CFR 2920

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to clarify them, simplify procedures and provide penalties for unauthorized use of public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Agency Contact: Annette Jameson, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AB29

1321. EXPLORATION ACTIVITY; OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR Group 3100; 43 CFR Group 3200

Legal Deadline: None.

Abstract: This rulemaking will make corrections and modifications to the existing regulations, including procedural changes that have resulted from operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004-AA97

1322. EXPLORATION ACTIVITY; OIL AND GAS LEASING, OIL AND GAS LEASING - NATIONAL PETROLEUM RESERVE - ALASKA; GEOTHERMAL RESOURCE LEASING - GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Legal Deadline: None.

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources. As a result of comments and a study by a special Task Force, several alternatives for bonding have been identified. These alternatives will be addressed in a second proposed rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	50 FR 18614
NPRM Comment Period End	07/01/85	50 FR 18614
NPRM	04/00/87	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB13

1323. ● OIL AND GAS LEASING

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to permit the current lessee of an oil and gas interest to obtain a Federal lease for the same minerals without competitive bidding when those minerals vest in the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB30

1324. ● OIL AND GAS LEASING - FEES, RENTALS AND ROYALTIES

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100

Legal Deadline: None.

Abstract: This rule would amend the existing regulations to maintain all noncompetitive lease rentals at $1 per acre per year. This change would primarily be applicable to those noncompetitive leases that are later determined to be included in a known geologic structure.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB31

1325. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The Order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AA66

1326. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM	05/00/87	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey. This rulemaking is being delayed to afford additional review of its impact on the domestic oil and gas industry.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004-AA67

1327. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards.

This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AA96

1328. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB21

1329. ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq.; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: This rulemaking is being delayed to afford additional review of its impact on the domestic oil and gas industry.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB24

1330. ● ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None.

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004-AB32

1331. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None.

Abstract: This rulemaking will revise provisions of former 30 CFR 270 which was transferred to the Bureau from the Minerals Management Service and amend the geothermal leasing provisions which regulate geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB18

1332. ● SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None.

Abstract: Existing regulations permit timber export and purchase volumes to "rachet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Gary Ryan, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004-AB34

1333. COMPETITIVE LEASING; ENVIRONMENT

Legal Authority: 30 USC 181 et seq; 30 USC 201a; 30 USC 351 to 359; 30 USC 1201 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3420; 43 CFR 3460

Legal Deadline: None.

Abstract: This rule will modify the existing regulations as they relate to the 20 coal unsuitability criteria and their application during the Bureau of Land Management's land use planning process. The changes made by the rule

are a result of the Office of Technology Assessment's study of the Federal coal programs treatment of environmental issues.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Walter Rewinski, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 3600, Main Interior Bldg., Washington, DC 20240, 202 343-6821

RIN: 1004-AB25

1334. ● NONCOMPETITIVE LEASES

Legal Authority: 30 USC 201(b)

CFR Citation: 43 CFR 3430

Legal Deadline: None.

Abstract: This rule will provide detailed procedures for use in processing preference right lease applications for coal and will allow full public participation throughout the administrative process and will comply with the court order and opinion in Natural Resources Defense Council v. Berklund.

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5398
NPRM Comment Period End	03/23/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4774

RIN: 1004-AB33

1335. ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None.

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004-AB22

1336. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Legal Deadline: None.

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AA68

1337. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None.

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004-AB04

1338. GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315a to 315r; 43 USC 1701 et seq; 43 USC 118(d); 43 USC 1901 et seq

CFR Citation: 43 CFR 4100

Legal Deadline: None.

Abstract: The amendment made by this rulemaking would bring the existing regulations into compliance with the decision in Natural Resources Defense Council, Inc. v. Hodel, et al., No. CIV. S-84-616 RAR (1985). It also would update the existing regulations to have them conform to recent grazing policy changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Agency Contact: Billy R. Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9195

RIN: 1004-AB23

1339. PROTECTION OF SPECIAL STATUS PLANTS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Legal Deadline: None.

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-9202

RIN: 1004–AB09

1340. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None.

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA69

1341. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None.

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	11/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 USC 3501 et seq and assigned clearance number 1004-0106. Originally scheduled: 07/80.

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004–AA27

1342. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None.

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Rodger Schmitt, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA35

1343. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 2661, Main Interior Bldg., Washington, DC 20240, 202 343-9353

RIN: 1004–AB26

1344. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None.

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004–AB07

1345. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None.

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact

heading for address). Originally scheduled: April 1981.

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1346. OPENING AND CLOSING LANDS

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None.

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	06/07/85	50 FR 24124
NPRM Comment Period End	08/08/85	50 FR 24124
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Claire Newcomer, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-6846

RIN: 1004-AA78

1347. ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Legal Deadline: None.

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	08/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: Robert Faithful, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6511

RIN: 1004-AA12

1348. RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Legal Deadline: None.

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants (2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	07/25/86	51 FR 26836
NPRM Comment Period End	10/28/86	51 FR 33279
Final Action	03/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1982.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA17

1349. RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Significance: Regulatory Program

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Legal Deadline: None.

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period End	07/03/84	49 FR 19049
ANPRM - Second	01/18/85	50 FR 2697
ANPRM - Second	03/19/85	50 FR 2697
NPRM	09/05/86	51 FR 31886
NPRM Comment Period End	10/20/86	51 FR 31886
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA74

1350. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3170

Legal Deadline: None.

Abstract: This rulemaking will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing cooperative agreements with States and Indian tribes for inspection and enforcement. It will also provide the procedures for delegation of authority to States in connection with oil and gas operations.

DOI—BLM **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/14/86	51 FR 36565
NPRM Comment Period End	12/15/86	51 FR 36565
Final Action	04/00/87	

Small Entity: No

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB17

1351. USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Legal Deadline: None.

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	09/16/85	50 FR 37555
NPRM Comment Period End	11/15/85	50 FR 37555
Final Action	06/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (See Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Gary Marsh, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA36

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1352. DESERT LAND ENTRIES

Legal Authority: 43 USC 321 to 323

CFR Citation: 43 CFR 2520

Legal Deadline: None.

Abstract: This rule will revise the existing regulation to streamline and simplify its provisions, while removing burdensome and obsolete provisions.

Timetable:

Action	Date	FR Cite
Withdrawn	03/00/87	

Small Entity: No

Additional Information: Studies of this regulation have resulted in a decision to delay any action until a complete review is finished. This item is removed from the Agenda.

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB11

1353. AIRPORT LEASES

Legal Authority: 43 USC 1201; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 2911

Legal Deadline: None.

Abstract: This rule would be revised to: remove from the regulations those provisions repealed by the Federal Land Policy and Management Act of 1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33578
NPRM Comment Period End	10/21/85	50 FR 33578
Final Action	11/10/86	51 FR 40807
Final Action Effective	12/10/86	51 FR 40807

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA49

1354. ONSHORE OIL AND GAS OPERATIONS - NONCOMPLIANCE AND ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 188; 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396d

CFR Citation: 43 CFR 3163

Legal Deadline: None.

Abstract: This rule will amend the recently codified regulations implementing the Federal Oil and Gas Royalty Management Act to address concerns raised about the impact of the regulations on industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/85	50 FR 11517
ANPRM Comment Period End	05/21/85	50 FR 11517
NPRM	01/30/86	51 FR 3882
NPRM Comment Period End	04/15/86	51 FR 7295
Final Action	02/20/87	52 FR 5384

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735. This rulemaking is being delayed to afford additional review of its impact on the domestic oil gas industry.

Agency Contact: George F. Brown, Assistant Director, Fluid Leasable Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2147

RIN: 1004–AB05

1355. COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Legal Authority: 30 USC 201(a)(2)(A)

CFR Citation: 43 CFR 3470

Legal Deadline: None.

DOI—BLM

Completed Actions

Abstract: This rule will revise the existing regulations to reflect certain needed changes to comply with the provisions of section 2(a)(2)(A) of the Mineral Leasing Act of 1920, as amended and supplemented.

Timetable:

Action	Date	FR Cite
NPRM	10/20/86	51 FR 37202
NPRM Comment Period End	11/19/86	51 FR 37202
Final Action	12/05/86	51 FR 43910
Final Action Effective	12/05/86	51 FR 43910

Small Entity: No

Agency Contact: Paul Politzer, Department of the Interior, Bureau of Land Management, Room 3411, Main Interior Bldg., 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AB27

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-84-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Secretary (OS)

Prerule Stage

1356. ● NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Judicial, March 15, 1987. Judicial deadline requires statement concerning special resources by 3/15/87

Abstract: In the natural resource damage assessment regulations, published as a proposed rule 12/20/85, there was an exception proposed to the general common law rule of damages (that damages are calculated as the lesser of: restoration or replacement costs; or diminution of use value) for a certain class of resources called "special resources," those resources were viewed as requiring special protection. Due to the large number of diverse comments on this issue, the "special resources" exception was deleted from the final type B rule (published on 08/01/86) and further comments were requested. This submittal is to address those comments and the issue of special resources.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, 18th and C Sts., NW, Washington, DC 20240, 202 343-1301

RIN: 1093-AA04

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Secretary (OS)

Proposed Rule Stage

1357. ● NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B AMENDMENTS

Legal Authority: 42 USC 9651(c)(1) CERCLA as amended

CFR Citation: 43 CFR 11

Legal Deadline: Statutory, April 17, 1987. SARA calls for any necessary amendments to be prepared within 6 months of enactment of SARA (Oct. 17, 1986).

Abstract: CERCLA allows trustees of natural resources that have been damaged by a release of a hazardous substance or a discharge of oil to bring a claim against the potentially responsible party of the Superfund. Section 301(c) requires the development of regulations for the assessment of damages to natural resources. Two sets of regulations are required by the Act: a set of simplified procedures that require minimal field investigations, referred to as the type A procedures, and a set of alternative procedures for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The Superfund Amendments and Reauthorization Act of 1986 (SARA), enacted on October 17, 1986, amended certain sections of CERCLA that pertain to natural resource damages and the Section 301(c) damage assessment regulations. This submittal covers the amendments required to the Section 301(c) damage assessment regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	
NPRM Comment Period End	04/13/87	
Final Action	07/02/87	
Final Action Effective	08/02/87	

Small Entity: No

Affected Sectors: None

Agency Contact: Alison Ling, Project Chair, Department of the Interior, Office of the Secretary, Department of the Interior, 18th & C Sts., NW, Washington, DC 20240, 202 343-1301

RIN: 1093-AA05

[FR Doc. 87-6609 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1987 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 87-6, December 4, 1986.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue, NW., Washington, DC 20530 (202-633-3123).

SUPPLEMENTARY INFORMATION: The Department has identified 35 current and projected rulemakings for inclusion in the agenda.

DATED: March 11, 1987.

Harry H. Flickinger,

Acting Assistant Attorney General for Administration.

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1358	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Justice Programs	1190-AA16
1359	Unfair Immigration - Related Employment Practices	1190-AA17

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1360	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03
1361	Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups	1190-AA15

Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1362	Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, as Amended	1190-AA05

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1363	Executive Office for Immigration Review Representation and Appearances	1103-AA03
1364	Representation and Appearances	1103-AA05
1365	Motions to Reopen Deportation Proceedings	1103-AA07
1366	Justice Acquisition Regulations Title 48 2801 Career Management Program	1103-AA10
1367	Justice Acquisition Regulations Title 48 2822 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA11
1368	Suspension of Deportation and Voluntary Departure	1103-AA13

DOJ

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1369	Appeal of Section 212(c) Waiver Applications	1103-AA06
1370	Procedural Rules for Immigration Judge Proceedings	1103-AA08
1371	Office of the Chief Special Inquiry Officer; Designation of Judges	1103-AA12

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1372	Asylum Procedures	1115-AA13
1373	Seizure and Forfeiture of Vehicles, Vessels and Aircraft	1115-AA26
1374	Inspection of Persons Applying for Admission	1115-AA27
1375	Immigration User Fee	1115-AA30
1376	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Judicial Recommendations Against Deportation; Proceedings to Determine Deportability	1115-AA34

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1377	Nonimmigrant Classes; Temporary Employees and Intracompany Transferees	1115-AA18
1378	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1379	Nonimmigrant Classes: Change of Nonimmigrant Classification	1115-AA24
1380	Nonimmigrant Classes; Temporary Employees	1115-AA25
1381	Powers and Duties of Service Officers; Availability of Service Records	1115-AA28
1382	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1383	Adjustment of Status to that of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1384	Marriage Fraud Amendment Regulations	1115-AA32

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1385	Certificates of Citizenship; Examination upon Application; Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed; New Certificate in Changed Name	1115-AA15
1386	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing and Appeal; Order to Show Cause and Notice of Hearing	1115-AA20
1387	Powers and Duties of Service Offices; Availability of Service Records	1115-AA21
1388	Nonimmigrant Classes	1115-AA23

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1389	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

DOJ

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1390	Equal Employment Opportunity Program Guidelines	1121-AA10
1391	Criminal Intelligence Systems Operating Policies	1121-AA12

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1392	Nondiscrimination in Federal Assisted Programs -- Implementation of Section 809 (c) (1) of the Justice Assistance Act of 1984	1121-AA11

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Proposed Rule Stage

1358. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 28 CFR 42

Legal Deadline: None.

Abstract: This proposed regulation would amend the regulation issued by the Department of Justice for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
Final Action	03/31/87	

Small Entity: No

Agency Contact: Merrily Raffa, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-2216

RIN: 1190-AA16

1359. ● UNFAIR IMMIGRATION - RELATED EMPLOYMENT PRACTICES

Legal Authority: PL 99-603, Sec 102 Immigration Reform and Control Act of 1986

CFR Citation: 28 CFR 44

Legal Deadline: None.

Abstract: This rule establishes standards and procedures for the enforcement of section 102 of the Immigration Reform and Control Act of 1986, which prohibits certain unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	03/31/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Philip Breen, Attorney, Department of Justice, Civil Rights Division, Coordination & Review Section, Washington, DC 20530, 202 724-2226

RIN: 1190-AA17

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1360. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I, (New)

Legal Deadline: None.

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office

DOJ—CRT

Final Rule Stage

of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-2219

RIN: 1190-AA03

1361. IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Legal Deadline: None.

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Final Action	03/31/87	
Final Action Effective	03/31/87	

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA15

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Completed Actions

1362. PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Significance: Regulatory Program

CFR Citation: 28 CFR 51

Completed:

Reason	Date	FR Cite
Final Action	01/06/87	52 FR 486
Final Action Effective	02/05/87	

Small Entity: Not Applicable

Agency Contact: David Hunter 202 724-5898

RIN: 1190-AA05

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1363. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Legal Deadline: None.

Abstract: The contemplated regulation change would revise the procedure by which attorneys and representatives may be disbarred or suspended. It provides for a hearing and decision by an immigration judge, with appeal rights to the Board of Immigration Appeals and some limited review by the Attorney General. The change is desirable since it eliminates procedural entanglements between the Service and the immigration judges which exist in the current procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2948
NPRM Comment Period End	03/02/87	52 FR 2948
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA03

1364. REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None.

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2951
NPRM Comment Period End	03/02/87	52 FR 2951
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration

Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA05

1365. MOTIONS TO REOPEN DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1252

CFR Citation: 8 CFR 242

Legal Deadline: None.

Abstract: The contemplated revision would delete the language allowing an application for adjustment of status under section 245 of the Immigration and Nationality Act, filed by itself, to be considered as a motion to reopen in deportation proceedings. The practice of allowing such applications to be treated as motions to reopen has resulted in confusion and administrative delay. This revision would treat motions to reopen for adjustment of status as any other motion to reopen. It is designed to eliminate the administrative difficulties involved with the filing of a bare adjustment of status application with no indication of whether or not it is a motion to reopen.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2949
NPRM Comment Period End	03/02/87	52 FR 2949
Reviewing NPRM comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA07

1366. JUSTICE ACQUISITION REGULATIONS TITLE 48 2801 CAREER MANAGEMENT PROGRAM

Legal Authority: EO 12352

CFR Citation: 48 CFR 2801

Legal Deadline: None.

Abstract: 48 CFR 2801. The rules will enhance the qualifications and professionalism of the Department's procurement workforce. There will be no cost to the public. Benefits will include more competitive contracting and lower costs to the Government in the purchase of supplies and services.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: W. L. Vann, Acting Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 9000, Washington, DC 20530, 202 272-8354

RIN: 1103-AA10

1367. JUSTICE ACQUISITION REGULATIONS TITLE 48 2822 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

Legal Authority: 29 USC 794; EO 12352

CFR Citation: 48 CFR 2822

Legal Deadline: None.

Abstract: 48 CFR 2822. The rules will prohibit discrimination against the handicapped in agency programs or activities conducted by contractors. The rules will not have a significant cost impact on contractors but will enhance services to the handicapped and prevent discrimination.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: W. L. Vann, Acting Procurement Executive, Department of Justice, General Administration, 601 D Street, NW, Room 9000, Washington, DC 20530, 202 272-8354

RIN: 1103-AA11

1368. ● SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1254

CFR Citation: 8 CFR 244.2

Legal Deadline: None.

Abstract: The proposed revision would give INS district directors the sole authority to reinstate or extend voluntary departure, except in limited circumstances. This is being done to simplify and streamline voluntary departure adjudications.

Timetable:

Action	Date	FR Cite
NPRM	01/29/87	52 FR 2950
NPRM Comment Period End	03/02/87	52 FR 2950
Reviewing NPRM Comments	00/00/00	

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Department of Justice, General Administration, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103-AA13

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1369. APPEAL OF SECTION 212(C) WAIVER APPLICATIONS

Significance: Agency Priority

CFR Citation: 8 CFR 3; 8 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2942
Final Action Effective	03/02/87	52 FR 2942

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA06

DOJ—DOJADM

Completed Actions

1370. PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Significance: Agency Priority

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2931
Final Action Effective	03/02/87	52 FR 2931

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA08

1371. ●OFFICE OF THE CHIEF SPECIAL INQUIRY OFFICER; DESIGNATION OF JUDGES

Significance: Agency Priority

CFR Citation: 8 CFR 3.11; 8 CFR 103.8; 8 CFR 103.10

Completed:

Reason	Date	FR Cite
Final Action	01/29/87	52 FR 2941
Final Action Effective	01/29/87	52 FR 2941

Small Entity: No

Agency Contact: Gerald S. Hurwitz 703 756-6470

RIN: 1103-AA12

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Prerule Stage

1372. ASYLUM PROCEDURES

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Legal Deadline: None.

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-5463**

RIN: 1115-AA13

1373. SEIZURE AND FORFEITURE OF VEHICLES, VESSELS AND AIRCRAFT

Legal Authority: 8 USC 1324

CFR Citation: 8 CFR 274

Legal Deadline: None.

Abstract: The proposed changes would amend existing regulations relating to the seizure and forfeiture of vehicles, vessels and aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Paul Virtue, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2656**

RIN: 1115-AA26

1374. INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 235.11

Legal Deadline: None.

Abstract: This proposed rule would amend existing regulations to charge carriers for the administrative costs and the Service's portion of the Social Security taxes associated with billable 1931 Act overtime.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
ANPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-4705**

RIN: 1115-AA27

1375. ● IMMIGRATION USER FEE

Legal Authority: 8 USC 1356; PL 99-500

CFR Citation: 8 CFR 286

Legal Deadline: None.

Abstract: This proposed rule would add a new 8 CFR 286 to reflect certain provisions of the DOJ Appropriation Act of 1987, concerning the collection and remittance of the Immigration User Fee.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Charles S. Thompson, Jr., Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-4705**

RIN: 1115-AA30

1376. ● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; PROCEEDINGS TO DETERMINE DEPORTABILITY

Legal Authority: 8 USC 1182(a)(23); 8 USC 1251(a)(11); 8 USC 1252(i); 8 USC 1357(d); PL 99-570; PL 99-603

DOJ—INS **Prerule Stage**

CFR Citation: 8 CFR 212.3(a) & (b); 8 CFR 241.1(a) & (b); 8 CFR 242.2; 8 CFR 287.1(g) to (i); 8 CFR 287.7(a) to (f)

Legal Deadline: None.

Abstract: The changes would amend the present rules by (1) addition of supplementary definitions to those already found in the regulations; (2) establishment of procedures for expeditious processing of aliens convicted of offenses which render them deportable from the United States; and (3) establishment of procedures for making determinations necessary as to issuing detainers against aliens arrested for controlled substance violations. These changes are necessitated by the provisions of two recently passed statutes relating to criminal aliens and alien narcotics traffickers, which amended certain provisions of the INA: the Anti-Drug Abuse Act of 1986, Pub. L. 99-570; and the Immigration Reform and Control Act of 1986, Pub. L. 99-603. Prompt establishment of the procedures contained in this rule is necessary to ensure that Service operations are conducted in a manner consistent with the Congressional intent of both Acts.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Walter D. Cadman, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3098**

RIN: 1115-AA34

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Final Rule Stage

1377. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Legal Deadline: None.

Abstract: This proposed rule would amend existing regulations relating to temporary employees and intracompany transferees to clarify the requirements for eligibility and facilitate public understanding of the adjudication process.

Timetable:

Action	Date	FR Cite
NPRM	05/21/86	51 FR 18591
NPRM Comment Period End	07/31/86	51 FR 24533
Final Action	02/00/87	
Final Action Effective	03/00/87	

Small Entity: No

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3240**

RIN: 1115-AA18

1378. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.7(d)

Legal Deadline: None.

Abstract: This final rule outlines requirements for approval of section 212(k) waivers, including an amended I-193 for use in making the application.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Kathryn Sheehan, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2725**

RIN: 1115-AA19

1379. NONIMMIGRANT CLASSES: CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1257; 8 USC 1258

CFR Citation: 8 CFR 214.2(f); 8 CFR 214.3(g); 8 CFR 248.1(e)

Legal Deadline: None.

Abstract: This proposed rule would change service regulations relating to nonimmigrant students in educational institutions in the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/04/86	51 FR 27867
NPRM Comment Period End	10/03/86	51 FR 27867
Final Action	00/00/00	

Small Entity: No

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3320**

RIN: 1115-AA24

1380. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None.

Abstract: This proposed rule would amend Service regulations relating to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration & Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3946**

RIN: 1115-AA25

DOJ—INS

Final Rule Stage

1381. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)

Legal Deadline: None.

Abstract: This proposed rule would authorize a district director to withhold adjudication of a visa petition or application when determined necessary to pursue a criminal investigation.

Timetable:

Action	Date	FR Cite
NPRM	05/30/86	51 FR 19559
NPRM Comment Period End	07/29/86	51 FR 19559
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3197**

RIN: 1115-AA28

1382. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None.

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	03/00/87	
Final Action Effective	04/00/87	

Small Entity: No

Agency Contact: Lori Scialabba, Assistant General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3197**

RIN: 1115-AA29

1383. ● ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257; 8 USC 1259

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2

Legal Deadline: Statutory, May 5, 1987.

Abstract: This interim rule will implement sections 117, 202, and 203 of the Immigration Reform and Control Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3320**

RIN: 1115-AA31

1384. ● MARRIAGE FRAUD AMENDMENT REGULATIONS

Legal Authority: PL 99-639

CFR Citation: 8 CFR 204.1; 8 CFR 205.1; 8 CFR 211.1; 8 CFR 212.7; 8 CFR 214.2; 8 CFR 216.1; 8 CFR 216.2; 8 CFR 216.3; 8 CFR 216.4; 8 CFR 216.5; 8 CFR 223.2; 8 CFR 223a.4; 8 CFR 235.11; 8 CFR 242.7; 8 CFR 242.17; ...

Legal Deadline: None.

Abstract: The interim rule would establish regulations for implementation of the Marriage Fraud Amendments Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	

Small Entity: No

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-3946**

RIN: 1115-AA32

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Immigration and Naturalization Service (INS)

1385. CERTIFICATES OF CITIZENSHIP; EXAMINATION UPON APPLICATION; NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME

CFR Citation: 8 CFR 341.2(A); 8 CFR 343A.1

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35628
Final Action Effective	11/06/86	51 FR 35628

Small Entity: No

Agency Contact: Raymond R. Jaroneski, Jr. 202 633-5014

RIN: 1115-AA15

1386. PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

CFR Citation: 8 CFR 242.1(A)

Completed:

Reason	Date	FR Cite
Final Action	09/25/86	51 FR 34081
Final Action Effective	09/25/86	51 FR 34081

Small Entity: No

Agency Contact: Gregory S. Bednarz 202 633-2997

RIN: 1115-AA20

DOJ—INS

Completed Actions

1387. POWERS AND DUTIES OF SERVICE OFFICES; AVAILABILITY OF SERVICE RECORDS

CFR Citation: 8 CFR 103.7(B)(1)

Completed:

Reason	Date	FR Cite
Final Action	11/04/86	51 FR 39993
Final Action Effective	12/04/86	51 FR 39993

Small Entity: No

Agency Contact: Charles S. Thomason, Jr. 202 633-4705

RIN: 1115-AA21

1388. NONIMMIGRANT CLASSES

CFR Citation: 8 CFR 214.2(b)(3)

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44266
Final Action Effective	01/08/87	51 FR 44266

Small Entity: No

Agency Contact: Michael L. Shaul 202 633-3946

RIN: 1115-AA23

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1389. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None.

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	09/00/87	
Final Action	12/00/87	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1105-AA05

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1390. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.301

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title IV of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA10

1391. ● CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g) (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None.

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, Pub. L. 98-473, and clarification of policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Local, State

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121-AA12

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1392. NONDISCRIMINATION IN FEDERAL ASSISTED PROGRAMS – IMPLEMENTATION OF SECTION 809 (C) (1) OF THE JUSTICE ASSISTANCE ACT OF 1984

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.201

Legal Deadline: None.

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121-AA11

[FR Doc. 87-6606 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1987 and April 1988.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Acting Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1987.

William E. Brock,

Secretary of Labor.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1393	Right to Financial Privacy Act	1290-AA05
1394	Implementation of the Program Fraud Civil Remedies Act	1290-AA07

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1395	Debt Collection Act Regulations: Salary Offset	1290-AA04

DOL

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1396	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1397	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1398	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1399	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1400	Employment of Handicapped Workers Under Special Certificates	1215-AA34
1401	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35
1402	Claims for Compensation Under the War Hazards Compensation Act	1215-AA42
1403	Labor Standards for Foreign Agricultural Workers	1215-AA43
1404	Migrant and Seasonal Agricultural Worker Protection	1215-AA44

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1405	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1406	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
1407	Records to be Kept by Employers (ESA/W-H)	1215-AA22
1408	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1409	Employment of Homeworkers in Certain Industries	1215-AA36

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1410	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involved the Operation of Bakery Machines (ESA/W-H)	1215-AA20
1411	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Slaughtering and Related Occupations (ESA/W-H)	1215-AA21
1412	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Motor Vehicle Drivers and Helpers (ESA/W-H)	1215-AA23
1413	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1414	Application of the Fair Labor Standards Act to State and Local Government Agencies	1215-AA41

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1415	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1416	Review SESA Administrative Financing System	1205-AA51
1417	Labor Surplus Area Program Population Criteria Change as Revised by PL 99-272	1205-AA62

DOL

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1418	Airline Deregulation: Employee Benefit Program	1205-AA07
1419	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
1420	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1421	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43
1422	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1423	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1424	Certification of Eligibility to Apply for Worker Adjustment Assistance	1205-AA58
1425	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59
1426	Implementation of Job Training Partnership Act Amendments of 1986	1205-AA60
1427	Refocus of the Public Employment Service	1205-AA63

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1428	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
1429	Unemployment Insurance Quality Control Program	1205-AA28
1430	Senior Community Service Employment Program	1205-AA29
1431	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33
1432	Administrative Procedure	1205-AA46
1433	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Montana Adverse Effect Wage Rate	1205-AA48
1434	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: Adverse Effect Wage Rates for Idaho Oregon	1205-AA52
1435	Job Training Partnership Act Audits	1205-AA53
1436	Preference in Federal Procurement For Labor Surplus Areas Under Executive Orders 12073 and 10582	1205-AA55
1437	Labor Certification Process for Permanent Employment of Aliens in the United States; Establishment of Board of Alien Labor Certification Appeals	1205-AA57

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1438	Trade Adjustment Assistance for Workers	1205-AA17
1439	Piece Rate Adjustments	1205-AA30
1440	Trade Adjustment Assistance for Workers	1205-AA31
1441	Work Incentive Programs for Aid to Families with Dependent Children Recipients under Title IV of the Social Security Act	1205-AA45

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1442	Participant Directed Individual Account Plans	1210-AA08
1443	Loans to Participants	1210-AA09
1444	Adequate Consideration	1210-AA15
1445	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1446	Top Hat Plans	1210-AA21
1447	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1448	Prohibited Transaction Exemption Procedures	1210-AA26
1449	Exemption From FERSA Bonding Requirements For Certain Federal Employees	1210-AA27

DOL

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1450	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
1451	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1452	Definition of Plan Assets -- Employee Contributions	1210-AA16
1453	Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
1454	Amount Of Bond For FERS Thrift Savings Fund	1210-AA28
1455	Adoption of Temporary Bonding Regulations Under ERISA Section 412 for Purposes Of FERSA Section 8478	1210-AA29

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1456	Plan Assets Regulation	1210-AA06
1457	Exemption and Alternative Method of Compliance for Annual Reporting of Certain Entities	1210-AA14

Office of Labor Management Standards—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1458	General Statement Concerning the Election Provisions of the Labor-Management Reporting and Disclosure Act of 1959 Characteristics of Candidates	1294-AA02

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1459	Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
1460	Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
1461	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1462	Surface Coal Mine Electrical Standards	1219-AA32
1463	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1464	Pattern of Violations	1219-AA04
1465	Underground Coal Mine Electrical Standards	1219-AA10
1466	Underground Coal Mine Ventilation	1219-AA11
1467	Review of Metal and Nonmetal Electricity Standards	1219-AA14
1468	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1469	Metal and Nonmetal Air Quality Standards	1219-AA21
1470	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1471	Mine Plan Approvals	1219-AA26
1472	Metal and Nonmetal Radiation Standards	1219-AA28
1473	Approval Criteria for Respiratory Protective Devices	1219-AA30

DOL

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1474	Procedures for Approval of Mining Equipment	1219-AA06
1475	Underground Coal Mine Roof Control	1219-AA13
1476	Metal and Nonmetal Gassy Mines	1219-AA15
1477	Explosives and Blasting in Underground Coal Mines	1219-AA16
1478	Safety Standards for Loading, Hauling and Dumping at Metal and Nonmetal Mines	1219-AA18
1479	Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19
1480	Updating Fees Associated with Equipment Approvals	1219-AA29

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1481	Metal and Nonmetal Ground Control Standards	1219-AA22

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1482	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1483	Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06
1484	Public Contracts and Property Management; Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements	1291-AA10

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1485	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Labor Programs	1291-AA04
1486	Closeout Requirements for Grants, Contracts, and Other Agreements	1291-AA09

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1487	4,4'-Methylenedianiline	1218-AA58
1488	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1489	Manual Lifting (Part 1910)	1218-AA95
1490	Gear Certification (Part 1919)	1218-AA97

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1491	Occupational Exposures to Toxic Substances in Laboratories	1218-AA00
1492	Carcinogen Policy	1218-AA01
1493	Ethylene Oxide	1218-AA03
1494	Respiratory Protection	1218-AA05
1495	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1496	Methods of Compliance	1218-AA28
1497	Hazardous Materials--Flammable and Compressed Gases (Part 1910)	1218-AA31
1498	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1499	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1500	Excavations (Part 1926)	1218-AA36
1501	Scaffolds and Similar Work Surfaces (Part 1910)	1218-AA46
1502	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1503	Ladders and Similar Climbing Devices (Part 1910)	1218-AA50
1504	Confined Space (Part 1910)	1218-AA51
1505	Logging (Part 1910)	1218-AA52
1506	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1507	Safety and Health Regulations for Longshoring(Part 1918)	1218-AA56
1508	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1509	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1510	Motor Vehicles, Mechanized Equipment, and Marine Operations (Part 1926)	1218-AA63
1511	Steel Erection (Part 1926)	1218-AA65
1512	Fall Protection (Part 1915)	1218-AA66
1513	Scaffolds (Part 1915)	1218-AA68
1514	Access and Egress (Part 1915)	1218-AA70
1515	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1516	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1517	Welding, Cutting and Heating (Part 1915)	1218-AA73
1518	Personal Protective Equipment (Part 1915)	1218-AA74
1519	Compressed Air (Part 1926)	1218-AA76
1520	Hazardous Materials--Flammable and Combustible Liquids (Part 1910)	1218-AA77
1521	1,3-Butadiene	1218-AA83
1522	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1523	Surface Preparation and Preservation (Part 1915)	1218-AA96
1524	Methylene Chloride	1218-AA98
1525	Hazard Communication	1218-AB02
1526	Revision of Telecommunications Training Records (Part 1910)	1218-AB07
1527	Revision of Construction Industry Test and Inspection Records (Part 1926)	1218-AB12
1528	Hazardous Waste Operations and Emergency Response (Part 1910)	1218-AB13

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1529	Ethylene Dibromide (EDB)	1218-AA06
1530	Access to Employee Exposure and Medical Records	1218-AA15
1531	Concrete and Masonry Construction (Part 1926)	1218-AA20
1532	Grain Handling Facilities (Parts 1910 and 1917)	1218-AA22
1533	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1534	Fall Protection (Part 1926)	1218-AA37
1535	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1536	Scaffolds (Part 1926)	1218-AA40
1537	Safety Testing/Certification (Part 1910)	1218-AA42
1538	Crane or Derrick Suspended Platforms (Part 1926)	1218-AA45
1539	Benzene	1218-AA47
1540	Presence Sensing Device Initiation of Mechanical Power Presses (Part 1910)	1218-AA54
1541	Stairways and Ladders (Part 1926)	1218-AA57
1542	Servicing Single Piece Rim Wheels (Part 1917)	1218-AA75
1543	Formaldehyde	1218-AA82
1544	Hazard Communication in Shipyard Employment (Part 1915)	1218-AA88

DOL

Office of the Assistant Secretary for Veteran's Employment & Training—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1545	Annual Report From Federal Contractors	1293-AA01

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1393. RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Legal Deadline: None.

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period End	05/02/85	50 FR 13049
Final Action	07/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N2428, FPBldg., Washington, DC 20210, 202 523-8201

RIN: 1290–AA05

1394. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT

Significance: Agency Priority

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 29 CFR 22

Legal Deadline: Statutory, April 21, 1987. The Act requires agencies to have implementing regulations within 180 days of the passage of the statute.

Abstract: This regulation will implement the Program Fraud Civil Remedies Act of 1986 (PL 99-509, Secs. 6101 to 6104). Specifically, this part will (i) establish administrative procedures for imposing civil remedies and assessment against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (ii) specify the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/87	
Interim Final Public Comment Period End	05/15/87	
Final Action	07/15/87	

Small Entity: Undetermined

Agency Contact: Zeth D. Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, Office of the Solicitor, 200 Constitution Avenue, NW RM N2428, Washington, DC 20210, 202 523-8201

RIN: 1290–AA07

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

1395. DEBT COLLECTION ACT REGULATIONS: SALARY OFFSET

Legal Authority: 5 USC 5514

CFR Citation: 29 CFR 20

Legal Deadline: None.

Abstract: These regulations will implement the Debt Collection Act of 1982 (P.L. 97-365). The Debt Collection Act gives Federal agencies new tools to collect on debts owed to the United States. These include the authority of Federal agencies to offset the current pay account of an employee ("Salary Offset") when the employee owes money to the United States. These regulations will establish the policies and procedures the Department of Labor will use to implement a salary offset, in conformance with the Office of Personnel Management Regulations on this matter (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	12/16/85	50 FR 51354
NPRM Comment Period End	01/30/86	50 FR 51354
Final Action	02/05/87	52 FR 3772

DOL—OS

Completed Actions

Action	Date	FR Cite
Final Action Effective	03/09/87	52 FR 3772

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Seth Zinman, Associate Solicitor for Legislation and, Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave. NW, Rm N2428, FPBldg., Washington, DC 20210, 202 523-8201

RIN: 1290-AA04

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Employment Standards Administration (ESA)

1396. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors between 16 and 18 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of these regulations. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, modifications to these regulations may be needed. The Department will establish a Child (cont)

Timetable:

Action	Date	FR Cite
Establish Child Labor Advisory Committee	05/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA09

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment Standards Administration (ESA)

1397. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: Statutory, October 1, 1983. Rules implementing Section 481 of the 1982 JTPA (29 USC 1781) are required to be published under the Act. The operational aspects of such rules need to be coordinated with the pending revisions discussed above, which has resulted in a delay.

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of Federal contractors under EO 11246, 38 USC 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and Sec. 503 of the Rehabilitation Act of 1973. The rule would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal further suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A supplemental proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period End	05/24/82	
NPRM (Section 481, 29 USC 1781)	09/00/87	
Final Action	09/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: was published 04/23/82 (47 FR

17770). A final rule will be forwarded to OMB for review and publication in the Federal Register by September 1987. In addition, in accordance with Section 481 of the Job Training Partnership Act of 1982 (JTPA), a Notice of Proposed Rulemaking, to permit Federal contractors to meet their Executive Order affirmative action obligations through approved JTPA programs, will be forwarded to OMB for review and publication in the Federal Register by September 1987.

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215-AA01

1398. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None.

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The Department plans to implement provisions in these regulations that would permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit has since upheld most of the key provisions published in 1982, the district court injunction remains in effect against certain provisions dealing with helpers. The Department intends to implement the helper provisions in accordance with the decisions of the district and appeals courts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA07

1399. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None.

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite stay of Final Rule	02/12/81	46 FR 11972
Propsl to suspend Rule indefinitely	03/27/81	46 FR 18998
Comments due on Suspension Proposal	04/28/81	
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. Action on this regulation was delayed due to other regulatory priorities.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA14

1400. EMPLOYMENT OF HANDICAPPED WORKERS UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None.

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work

activities centers. Three affected regulations (29 CFR 524, 525 and 529 will be combined into a single proposed new rule which will be published for public comments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA34

1401. LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 20 USC 954(i) and (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Legal Deadline: Statutory, June 18, 1986.

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting professional personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. The Arts, Humanities, and Museums Amendments of 1985, which were enacted on December 20, 1985, require the Secretary of Labor to issue regulations to assure that prevailing minimum compensation is provided to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part by the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215-AA35

1402. CLAIMS FOR COMPENSATION UNDER THE WAR HAZARDS COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 42 USC 1701 et seq

CFR Citation: 20 CFR 61; 20 CFR 62

Legal Deadline: None.

Abstract: The War Hazards Compensation Act regulations are being reviewed to determine whether modifications should be proposed to (1) reflect amendments made to the Act which replaced the World War II frame of reference in the Act with language applicable to the current and future conditions faced by employees of contractors working in hazardous overseas locations; (2) simplify and clarify the requirements for filing a claim under the Act; (3) remove unnecessary and repetitious sections in the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/87	

Small Entity: Not Applicable

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees', Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3229 - FPBldg., Washington, DC 20210, 202 523-7522

RIN: 1215-AA42

1403. ● LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration will issue regulations that incorporate the labor standards issued by the Employment and Training Administration and set forth procedures for enforcement of these labor standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502. FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA43

1404. ● MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

Significance: Agency Priority

Legal Authority: 29 USC 1801 to 1872; PL 99-603

CFR Citation: 29 CFR 500

Legal Deadline: Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 amended the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in a number of areas concerning the recruitment and employment of illegal aliens. Certain changes to the existing MSPA regulations are needed to conform them to the amended Act. These statutory changes become effective June 1, 1987. In addition, minor clarifying changes will be made in certain definitions in the current regulations.

DOL—ESA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA44

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA) **Final Rule Stage**

1405. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None.

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the 1980 amendments to the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing employment under Section 504 of the Rehabilitation Act. The provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). A final rule incorporating only the statutory changes to the definition of "Veteran of the Vietnam Era" was published in the Federal Register on August 26, 1986 (51 FR 30467).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Deputy Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3324, FPBldg., Washington, DC 20210, **202 523-9475**

RIN: 1215-AA02

1406. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Legal Deadline: None.

Abstract: The intent of this proposal was to make explicit the Department's policy that a lessor of a coal mine, who had never actually operated such a mine, would not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility. However, serious questions concerning the approach taken in the notice of proposed rulemaking have arisen. Because of these questions, further review of the problem sought to be resolved by this proposal is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	46 FR 8570
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Office of Workers', Compensation Programs, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6692**

RIN: 1215-AA03

1407. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Legal Deadline: None.

Abstract: Revisions to these regulations are being made to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32744
NPRM Comment Period End	11/14/86	
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215-AA22

1408. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Legal Deadline: None.

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings

of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. An additional procedural change, which was published separately as a Final Rule on 03/02/87 (cont)

Timetable:

Action	Date	FR Cite
Final Action Discontinuance of reporting requirements	03/02/87	52 FR 6146
NPRM	03/13/87	52 FR 7892
NPRM Comment Period End	05/12/87	
Final Action	07/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: (52 FR 6146) discontinued the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA). A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215-AA33

1409. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None.

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department 11/9/81 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed recission, the Department sought comments on various alternatives to such action (49 FR 11786). On November 5, 1984, a final rule was published lifting the ban on homework for employers (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	10/20/86	51 FR 30036
Final Action	05/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, the Department is proposing to rescind the remaining restrictions in the other industries for employers who currently obtain certificates. A Notice of Proposed Rulemaking was published on August 21, 1986 (51 FR 30036).

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA36

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

1410. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVED THE OPERATION OF BAKERY MACHINES (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.62

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 11, occupations involving the operation of power-driven bakery machines.

A review of the order is planned to ensure the health and safety of 16 and 17 year olds in these occupations are safeguarded, and to assess the impact of technological change in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA20

1411. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING SLAUGHTERING AND RELATED OCCUPATIONS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.61

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well-being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 10, involving occupations in slaughtering, meat-packing or processing.

A review of the order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, while at the same time assessing the impact of technological advances in the industry on employment opportunities for youth.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA21

1412. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING MOTOR VEHICLE DRIVERS AND HELPERS (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.52

Legal Deadline: None.

Abstract: Section 3(1) of the Fair Labor Standards Act directs the Secretary of Labor to designate occupations which may be particularly hazardous for the employment of minors between 16 and 18 or detrimental to their health or well being. The specific hazardous order under consideration for possible revision is Hazardous Occupations Order No. 2, concerning motor vehicle drivers and their helpers.

A review of this order is planned to ensure that the health and safety of 16 and 17 year olds in these occupations are safeguarded, and that restrictions on the employment opportunities of youth are not imposed unnecessarily.

Timetable:

Action	Date	FR Cite
Combined with 1215-AA09	12/31/86	

Small Entity: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215-AA23

1413. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Regulatory Program

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.1 et seq

Legal Deadline: None.

Abstract: This proposal revises the Federal Employees' Compensation Act regulations to (1) increase the ability of employing agencies to monitor the Act's continuance of pay (COP) provisions; (2) reduce the period for using up the remainder of the 45-day COP eligibility when there is a recurrence of a disability subsequent to a first return to work from six months to 90 days from the date of return to work; (3) require partially disabled employees to report on their efforts to find work; (4) make other modifications designed to provide consistent rationale for the payment of benefits; and (5) incorporate procedures for giving full due process in overpayment cases before recoupment. A NPRM was published on 06/06/86 (51 FR 20736) with comments due, as extended, by 08/27/86.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 20736
NPRM Comment Period End	07/21/86	51 FR 20736
Extension of Comment Period to 8/27/86	07/28/86	51 FR 26903
Final Action	04/01/87	52 FR 10486
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees, Compensation, OWCP, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA29

1414. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO STATE AND LOCAL GOVERNMENT AGENCIES

Significance: Regulatory Program

Legal Authority: 29 USC 201 et seq; PL 99-150

CFR Citation: 29 CFR 553

Legal Deadline: Statutory, April 15, 1986.

Abstract: As a result of the Fair Labor Standards Act (FLSA) Amendments of 1985, certain provisions of the FLSA relating to employees of state and local governments were changed. These regulations implement special provisions of the FLSA applicable to public employees, including the requirements for providing compensatory time off with pay in lieu of cash overtime wages, and the exclusion of certain hours of work from the calculation of overtime compensation for public employees in dual jobs.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13402
NPRM Comment Period End	06/02/86	51 FR 13402
Final Action	01/16/87	52 FR 2012
Final Action Effective	02/17/87	52 FR 2012

Small Entity: No

Additional Information: This agenda entry was published previously in three parts (29 CFR 553, Subpart A B, and C).

and under three RIN's (1215-AA37, 1215-AA38, and 1215-AA39). The three parts have been combined in this entry.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215-AA41

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Prerule Stage

1415. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Significance: Regulatory Program

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None.

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 202103, **202 535-0163**

RIN: 1205-AA37

1416. REVIEW SESA ADMINISTRATIVE FINANCING SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 501 to 504; 42 USC 1302

CFR Citation: 20 CFR 601.6

Legal Deadline: None.

Abstract: States and other interested parties have questioned the adequacy of the existing method for financing and allocating SESA administrative resources in general and unemployment insurance (UI) administrative resources in particular. Problems identified include: (1) basis and methodology for allocating SESA administrative resources among States; (2) insufficient flexibility to meet State management needs; (3) excessive Federal intervention and prescription; (4) possible duplicative and unnecessary reporting requirements; (5) inadequate State accountability and authority; (6) disincentives for improving productivity; (7)inadequate resources for nonpersonal services. The framework for the basic UI system is outlined in the Social Security Act (SSA) and the Federal Unemployment TAx Act (FUTA). Title III of the SSA states that the Secretary of Labor shall provide the administrative funds needed by each State approved under FUTA for the proper and efficient administration of the UI program. A formal consultation process has been initiated to solicit public comments on problems and proposed (cont.)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: (ABSTRACT CONT:) changes to the current SESA administrative financial system. Planned changes will be announced upon completion of this review.

Government Levels Affected: State, Federal

Agency Contact: Carolyn M. Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, **202 376-6636**

RIN: 1205-AA51

1417. ● LABOR SURPLUS AREA PROGRAM POPULATION CRITERIA CHANGE AS REVISED BY PL 99-272

Significance: Agency Priority

Legal Authority: EO 12073; EO 10582; PL 95-89; PL 96-302; PL 99-272

CFR Citation: 20 CFR 654

Legal Deadline: Statutory, July 7, 1986.

Abstract: The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) Section 18003 amended the Small Business Act to require the Secretary of Labor to reduce the population criteria for labor surplus areas from fifty-thousand to twenty-five thousand. Section 18003 of Public Law 99-272 became effective on July 7, 1986. The Department of Labor is in the process of implementing the new requirements of the Law but such dta did not exist for such areas on a monthly basis at the time Public Law 99-272 was enacted. Implementation has, therefore, been hampered while the data for hundreds of areas were being developed on a monthly basis going back to January 1984.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
ANPRM Comment Period End	06/00/87	
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Rm N4456, FPBldg., Washington, DC 20210, **202 535-0192**

RIN: 1205-AA62

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Employment and Training Administration (ETA)

1418. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 638

Legal Deadline: None.

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. Therefore, although the U.S. Supreme Court has accepted the case for review, rulemaking can proceed on the monetary benefit aspects of the employee protection provisions.

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM	07/00/87	
NPRM Comment Period End	08/00/87	
Final Action	03/00/88	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205–AA07

1419. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Significance: Regulatory Program

Legal Authority: 26 USC 3302; 42 USC 1302; PL 97-35, Sec 2408

CFR Citation: 20 CFR 608

Legal Deadline: None.

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	09/00/87	
Final Action Effective	00/00/00	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7410, PHBldg., Washington, DC 20213, 202 376-7231

RIN: 1205–AA14

1420. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8506; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None.

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. The proposed regulations would implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Final Action	12/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205–AA26

1421. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None.

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

DOL—ETA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	
Final Action Effective	01/00/88	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Affected Sectors: 94 Administration of Human Resources Programs

Government Levels Affected: State, Federal

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, **202 535-8762**

RIN: 1205-AA43

1422. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Agency Priority

Legal Authority: 42 USC 5177

CFR Citation: 20 CFR 625, (Revision)

Legal Deadline: None.

Abstract: A few technical amendments are necessary to update the DUA Final Regulations which were published September 26, 1977. A clarification is needed on the administration of DUA in the Virgin Islands. Also, the Canal Zone should be deleted from the eligible "States." The formula for computing DUA weekly benefit amounts needs to be simplified. The first week of DUA payable needs to be clarified and the appropriate share of Federal-State costs needs to be determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: In addition to updating the current regulations the anticipated changes will provide for more efficient operation of the program.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, **202 376-7366**

RIN: 1205-AA50

1423. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None.

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Undetermined

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, **202 535-0550**

RIN: 1205-AA54

1424. CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Significance: Agency Priority

Legal Authority: 19 USC 2217 to 2322

CFR Citation: 29 CFR 90

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the regulations on certification of eligibility to apply for worker adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974 (Pub. L. 93-618), as amended. The proposed rule is intended to reduce the time required for completing fact finding investigations and issuing determinations on petitions by reassigning the responsibility for certifying worker groups for adjustment assistance and to make such other changes that will help facilitate decision actions on petitions.

Timetable:

Action	Date	FR Cite
NPRM	02/20/87	52 FR 5310
NPRM Comment Period End	03/23/87	52 FR 5310
Final Action	06/00/87	

Small Entity: No

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment, Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, **202 376-2646**

RIN: 1205-AA58

1425. ● LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Statutory, June 1, 1987.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: Undetermined

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, PFBldg., Washington, DC 20210, **202 535-0153**

RIN: 1205-AA59

1426. ● IMPLEMENTATION OF JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1986

Significance: Regulatory Program

DOL—ETA

Proposed Rule Stage

Legal Authority: JTPA Amendments of 1986

CFR Citation: 20 CFR 626, Revision; 20 CFR 627, Revision; 20 CFR 628, Revision; 20 CFR 629, Revision; 20 CFR 630, Revision; 20 CFR 631, Revision; 20 CFR 632, Revision; 20 CFR 633, Revision; 20 CFR 634, Revision; 20 CFR 635, Revision; 20 CFR 636, Revision; 20 CFR 637, Revision; 20 CFR 638, Revision

Legal Deadline: None.

Abstract: Issue regulations to implement those provisions of the 1986 amendments requiring regulatory revision. These include: (1) clarification on the use of six percent funds for technical assistance and post-program data collection; (2) clarification of the requirements for summer program plans and their approval/ disapproval; and (3) Title III eligibility criteria. Further, in areas not related to the JTPA Amendments, the Department intends to propose rulemaking. This will be policy clarifications, technical corrections, or to address other policy areas in the regulations which have emerged as problems.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/87	52 FR 1932
ANPRM Comment Period End	02/17/87	52 FR 1932
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Interim Final Rule	07/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Robert N. Colombo, Director, ETA-Office of Employment and, Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA60

1427. ● REFOCUS OF THE PUBLIC EMPLOYMENT SERVICE

Legal Authority: PL 97-300 Wagner-Peyser Act as amended by the JTPA

CFR Citation: 20 CFR 652; 20 CFR 653

Legal Deadline: None.

Abstract: In September 1986, the Department of Labor announced in the Federal Register its review of the public employment service, raising the concern of the employment service capability to meet the current and future labor market needs, particularly the labor market needs that will emerge in the year 2000. The announcement provided the public an opportunity to respond either orally at public meetings held in October, 1986 or in writing directly to the Department. The announcement described the concern of the questions concerning the purpose and role of the employment service. An analysis of the public response to the announcement, as well as other data available to the Department from other research, studies, and papers provides the basis for the Department to propose a refocus of the employment service to address current and emerging labor force trends. Regulations maybe proposed to the extent needed, to either implement any new legislation that may emerge or to achieve the new direction.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Agency Contact: Clayton J. Cottrell, Chief, Division of Planning and Operations, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0192

RIN: 1205–AA63

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1428. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Significance: Regulatory Program

Legal Authority: 26 USC 3304 Note; 42 USC 1302

CFR Citation: 20 CFR 615

Legal Deadline: None.

Abstract: These regulations would be amended to implement various statutory amendments of 1980, 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37741
NPRM Comment Period End	11/24/86	51 FR 37741
Final Action	09/00/87	

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7430, PHBldg., Washington, DC 20213, 202 376-7366

RIN: 1205–AA15

1429. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 503; 42 USC 1302

CFR Citation: 20 CFR 602

Legal Deadline: None.

Abstract: The establishment of a UI QC program is a major initiative to reduce administrative errors and claimant abuse in the UI system. Reported error rates are 10 times lower than those

found under the QC sampling methodology. A one percent reduction in the error rate could potentially translate to a savings of millions of dollars in the benefit payment process. Additional savings may be realized when the program is extended to the revenue function.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	49 FR 38083
NPRM	07/25/86	51 FR 26846
NPRM Comment Period End	08/25/86	51 FR 26846
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 7112, PHBldg., Washington, DC 20213, 202 376-6636

RIN: 1205-AA28

1430. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq, Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Statutory, May 8, 1985. P.L. 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted, Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0500

RIN: 1205-AA29

1431. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed in the HMSA's. According to the PHS: (1) neither Congress nor the Department of Health and Human Services recognizes the existence of a national shortage of physicians; (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3192
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 80 Health Services; 82 Educational Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Ave., Nw, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA33

1432. ADMINISTRATIVE PROCEDURE

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 601.9, (Revision)

Legal Deadline: None.

Abstract: The regulation will provide States with administrative appeal rights before the Office of Administrative Law Judges for final determinations disallowing costs or imposing corrective actions as a result of all audits in the Federal-State unemployment compensation program and related Federal unemployment benefit and allowance programs. Currently, no such appeal rights exist and if a State seeks review of one of the above actions the only appeal forum is the Federal Court. Provision of these appeal rights before the Office of Administrative Law Judges should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with the Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulation will also correct what is perceived as an inequity, since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20991
NPRM Comment Period End	07/10/86	51 FR 20991
Final Action	10/00/87	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided

that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0704

RIN: 1205-AA46

1433. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: MONTANA ADVERSE EFFECT WAGE RATE

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Montana to the list of States in which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50311
NPRM Comment Period End	01/09/86	50 FR 50311
Extension of Comment Period to 3/31/86	02/28/86	51 FR 7084
Final Action	06/00/87	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456 FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA48

1434. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: ADVERSE EFFECT WAGE RATES FOR IDAHO OREGON

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: Propose to add Idaho and Oregon to the list of States for which annual adverse effect wage rates are established.

Timetable:

Action	Date	FR Cite
NPRM	04/08/86	51 FR 11942
NPRM Comment Period End	05/08/86	51 FR 11942
Final Action	05/00/87	

Small Entity: No

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA52

1435. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None.

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: David O. Williams, Administrator, Office of Financial and, Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0690

RIN: 1205-AA53

1436. PREFERENCE IN FEDERAL PROCUREMENT FOR LABOR SURPLUS AREAS UNDER EXECUTIVE ORDERS 12073 AND 10582

Significance: Regulatory Program

Legal Authority: EO 12073; EO 10582

CFR Citation: 20 CFR 654.5(b)

Legal Deadline: None.

Abstract: Currently the Department of Labor only classifies civil jurisdictions (counties, cities over 50,000 population as well as townships and towns in certain selected States) as labor surplus areas. This policy has resulted in some employment centers in the nation's large metropolitan areas not being classified as labor surplus areas, even though the entire Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas would meet the labor surplus area criteria if such geographic areas were classified. The proposed rule would grant the Assistant Secretary for Employment and Training the authority to classify Metropolitan Statistical Areas and Primary Metropolitan Statistical Areas as labor surplus areas to help alleviate unemployment in these areas. The change will add some additional labor surplus areas to the current list but it will not increase the funds going to such designated areas.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26555
NPRM Comment Period End	08/25/86	51 FR 26555
Final Action	10/00/87	

Small Entity: No

Agency Contact: Robert A. Schaerfl, Director, United States Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4470 FPBldg., Washington, DC 20210, 202 535-0157

RIN: 1205-AA55

1437. LABOR CERTIFICATION PROCESS FOR PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES; ESTABLISHMENT OF BOARD OF ALIEN LABOR CERTIFICATION APPEALS

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None.

Abstract: The Department of Labor proposes to revise the procedures for review of denials of certifications for the permanent employment of immigrant aliens in the United States. The revised procedures would establish a Board of Alien Labor Certification Appeals in the Office of Administrative Law Judges to hear and decide such appeals.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certifications, U.S. Employment Service, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA57

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

1438. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None.

Abstract: These regulations would implement the 1981 and 1983 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. The 1983 amendments extended the program to September 30, 1985. The 1984 amendments to the program are not included in these regulations but will be issued separately.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period End	07/28/83	48 FR 32837
Final Action	12/22/86	51 FR 45840
Final Action Effective	01/21/87	51 FR 45840

Small Entity: No

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7430, PHBldg., 601 D St, NW, Washington, DC 20213, 202 376-7366

RIN: 1205-AA17

1439. PIECE RATE ADJUSTMENTS

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 1184

CFR Citation: 20 CFR 655, Subpart C

Legal Deadline: None.

Abstract: The regulation, as proposed, modifies the previous piece rate adjustment regulation published as a final rule on June 21, 1985, which was declared invalid by the U.S. District Court of Appeals on July 8, 1985. The new regulation is designed to cure the defects noted by the Court in the previous regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/86	51 FR 20516
NPRM Comment Period End	07/07/86	51 FR 20516
Final Action	04/09/87	52 FR 11460

Small Entity: No

Additional Information: DOL considering request to reopen comment period. Next stage in rulemaking held in abeyance pending action.

Affected Sectors: 013 Field Crops, Except Cash Grains; 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBdg., Washington, DC 20210, 202 535-0163

RIN: 1205-AA30

1440. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Significance: Regulatory Program

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Legal Deadline: None.

Abstract: This regulation would implement provisions of the Deficit Reduction Act of 1984 amending the Trade Act of 1974. The legislation amends Section 233(a)(3), to enable workers to collect the extra 26 weeks of Trade Adjustment Assistance (TRA) beginning with the first week the worker enters training if the training has not been approved until after the last week of entitlement to basic TRA. It also amends Sections 237 and 238 of the Trade Act to increase the maximum job search allowance to $800 (from $600) and the maximum lump-sum relocation allowance to $800 (from $600).(Since the proposed rule is supplemental to proposed rule at 20 CFR Part 635, the actual date of issuance of this rule as a final rule is dependent upon publication as a final rule of the amendments to The Trade Act of 1974 in Title XXV of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	50 FR 14720
NPRM Comment Period End	05/15/85	50 FR 14720
Final Action	12/22/86	51 FR 45840
Final Action Effective	01/22/87	51 FR 46746

Small Entity: No

Additional Information: Legislation i.e., effective upon enactment (July 18, 1984)

Government Levels Affected: State, Federal

Agency Contact: Marvin M. Fooks, Director, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205-AA31

1441. WORK INCENTIVE PROGRAMS FOR AID TO FAMILIES WITH DEPENDENT CHILDREN RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Significance: Agency Priority

Legal Authority: 42 USC 1302

CFR Citation: 29 CFR 56.17, (Revision); 29 CFR 56.18, (Revision); 29 CFR 56.19, (Revision); 29 CFR 56.86, (New)

Legal Deadline: None.

Abstract: The regulation will provide Work Incentive Program grantees and contractors administrative appeal rights before the Office of Administrative Law Judges for the following: (1) an adjustment in payment; (2) termination of the contract or grant; (3) a final determination disapproving outstanding claims arising from terminations, disapproving unreimbursed costs, or rejecting the termination settlement proposal; (4) a final determination disallowing costs as a result of an audit; and (5) a final determination disallowing costs resulting from the closing out of the grant/contract. Currently, no such rights exists and a grantee/contractor's only appeal forum is Federal Court. Provision of these hearing rights should reduce the workload of the Federal Court system and allow the Department of Labor to adjudicate the issues in a more informal setting with Administrative Law Judges, who are more accustomed to dealing with the particular issues involved. The regulations will also correct a perceived inequity since most Employment and Training Administration programs have administrative appeal rights.

Timetable:

Action	Date	FR Cite
Withdrawn	11/15/86	

Small Entity: No

Additional Information: A Department of Labor Inter-Agency Task Force established to implement the Single Audit Act has decided that all Department of Labor programs shall have some type of appeal rights within the Department of Labor. The Office of the Assistant Secretary for Employment and Training Administration decided that appeal rights for all Employment and Training Administration programs shall be provided by the Office of Administrative Law Judges.

Government Levels Affected: Local, State, Federal

Agency Contact: Linda D. Kontnier, Chief, Division of Debt Management, Department of Labor, Employment and Training Administration, 601 D Street, NW, Rm 8422, PHBldg., Washington, DC 20213, 202 376-6630

RIN: 1205-AA45

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

1442. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Agency Contact: Shelby J. Hoover, Assistant Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8658

RIN: 1210-AA08

1443. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135; 29 USC 1108

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8610

RIN: 1210-AA09

1444. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-9595

RIN: 1210-AA15

1445. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None.

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-9593

RIN: 1210-AA19

1446. TOP HAT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None.

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-9593

RIN: 1210-AA21

1447. ● PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None.

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Agency Contact: Linda Shore, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5667 FPBuilding, Washington, DC 20210, 202 523-8671

RIN: 1210-AA25

1448. ● PROHIBITED TRANSACTION EXEMPTION PROCEDURES

Significance: Agency Priority

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: None.

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Jean Van Ness, Staff Attorney, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm C4508, FPBuilding, Washington, DC 20210, 202 523-9594

RIN: 1210-AA26

1449. ● EXEMPTION FROM FERSA BONDING REQUIREMENTS FOR CERTAIN FEDERAL EMPLOYEES

Significance: Agency Priority

Legal Authority: 5 USC 8478

DOL—PWBA — Proposed Rule Stage

CFR Citation: 00 CFR "Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478 of FERSA required each person handling property of the fund to be bonded. This rulemaking would exempt, pursuant to authority contained in Section 8478, certain federal employees from this bonding requirement where these employees are not under the control or supervision of the Federal Retirement Thrift Investment Board.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669, FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA27

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1450. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8377

RIN: 1210-AA02

1451. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None.

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8377

RIN: 1210-AA03

1452. DEFINITION OF PLAN ASSETS — EMPLOYEE CONTRIBUTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None.

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
Final Action	08/00/87	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Rudolph Nuissl, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8671

RIN: 1210-AA16

1453. PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Significance: Regulatory Program

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: None.

DOL—PWBA Final Rule Stage

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30501
NPRM Comment Period End	10/27/86	51 FR 30501
Final Action	12/00/87	

Small Entity: No

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8610

RIN: 1210-AA20

1454. ● AMOUNT OF BOND FOR FERS THRIFT SAVINGS FUND

Significance: Agency Priority

Legal Authority: 5 USC 8478

CFR Citation: 00 CFR " Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478(b)(1) requires the Secretary of Labor to prescribe the amount of a bond at the beginning of each Fiscal Year of the fund. This rulemaking accomplishes that objective.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA28

1455. ● ADOPTION OF TEMPORARY BONDING REGULATIONS UNDER ERISA SECTION 412 FOR PURPOSES OF FERSA SECTION 8478

Significance: Agency Priority

Legal Authority: 5 USC 8478; PL 99-556 SECTION 113

CFR Citation: 00 CFR "Not Yet Determined"

Legal Deadline: None.

Abstract: Section 8478 of FERS Requires the Secretary of Labor to prescribe within regulations concerning the bonding (for loss through theft or embezzlement) of property of the thrift savings fund. Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 authorizes the Secretary of Labor to apply the temporary bonding regulations under ERISA Section 412 to FERSA Section 8478 (until January 1, 1990). This rulemaking effects such interim adoption of the ERISA bonding regulations for FERSA purposes.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Rudy F. Nuissl, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210-AA29

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

1456. PLAN ASSETS REGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 1135; PL 99-272, Sec 11018(d), 100 Stat. 82

CFR Citation: 29 CFR 2510

Legal Deadline: Statutory, December 31, 1986.

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. The regulation had been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82.

Timetable:

Action	Date	FR Cite
NPRM Previous	08/28/79	44 FR 50363
NPRM Previous	06/01/80	45 FR 38084
NPRM	01/08/85	50 FR 961
NPRM Comment Period End	03/11/85	50 FR 961
Public Hearings were held 05/06/85, 05/07/85 and	05/08/85	
Final Action	11/13/86	51 FR 41262
Final Action Effective	03/13/87	51 FR 41262

Small Entity: No

Agency Contact: Shelby J. Hoover, Assistant Counsel, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm C4508, FPBldg., Washington, DC 20210, 202 523-8658

RIN: 1210-AA06

1457. EXEMPTION AND ALTERNATIVE METHOD OF COMPLIANCE FOR ANNUAL REPORTING OF CERTAIN ENTITIES

Significance: Regulatory Program

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Legal Deadline: None.

Abstract: ERISA and the regulations issued thereunder, require the administrator of an employee benefit plan, unless otherwise exempt, to file annual reports relating to the financial status and activities of the plan. Among other things, the annual report is required to include statements and schedules concerning the assets of the plan and transactions involving those assets. This regulation will provide an alternative method of compliance with the annual reporting requirements for certain employee benefit plans which

DOL—PWBA

Completed Actions

invest in entities, the underlying assets of which constitute plan assets under the Department's "Plan Assets" regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3362
NPRM Comment Period End	03/25/85	50 FR 3362
Final Action	11/13/86	51 FR 41285
Final Action Effective	03/13/87	51 FR 41285

Small Entity: No

Agency Contact: George Holmes, Plan Benefit Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-8515

RIN: 1210-AA14

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of Labor Management Standards (OLMS)

1458. ● GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959 CHARACTERISTICS OF CANDIDATES

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452.46

Legal Deadline: None.

Abstract: This regulation will amend 29 CFR 452.46 regarding maximum age restrictions on candidacy for union office. The amendment is required in part to conform the regulations to a recent amendment to the Age Discrimination in Employment Act of 1967.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Kay Oshel, Chief, Division of Interpretations and, Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Rm N5623, FPBldg., Washington, DC 20210, 202 523-7373

RIN: 1294-AA02

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Mine Safety and Health Administration (MSHA)

1459. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Legal Deadline: None.

Abstract: The self-contained self rescue devices (SCSR) standards are part of the overall coal review of high priority standards. These standards would be revised to incorporate technological advances. MSHA is currently evaluating the state of technology. Pending completion of that review, the Agency is deferring further rulemaking action at this time.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA08

1460. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Legal Deadline: None.

Abstract: The hoisting and transportation standards are part of the overall coal review of standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. The Agency is reviewing the nature and extent of the hazards associated with this area. However, the Agency expects no public action during this calendar year. Therefore, this item is removed from the Agenda.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period End	08/30/83	
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA12

DOL—MSHA

Prerule Stage

1461. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None.

Abstract: The atmosphere of underground coal mines contains methane gas which can quickly accumulate in explosive concentrations. To protect against gas ignitions and mines explosions, the Federal Mine Safety and Health Act of 1977 requires that electric mining equipment be built in accordance with certain performance standards. To administer these requirements, MSHA has established a mining equipment approval program, including evaluation criteria, and corresponding safety standards requiring the use of approved equipment. Existing approval regulations do not generally apply to the diesel equipment now being used in underground coal mines. The new regulations would update Agency approval criteria for diesel equipment, with an emphasis on performance-oriented standards. The Agency is also reevaluating the appropriateness of initiating an advisory committee.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA27

1462. SURFACE COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.500; 30 CFR 77.600; 30 CFR 77.700; 30 CFR 77.800; 30 CFR 77.900; 30 CFR 77.1000; 30 CFR 77.1800

Legal Deadline: None.

Abstract: Existing electrical standards for surface coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to surface coal mining operations. The Agency is also currently developing a proposed rule for its underground electrical standards. Because of the common issues, the status of this rulemaking is, in part, contingent upon revisions now being developed for the underground proposal. A draft of the surface electrical standards is expected to be available in November 1987.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA32

1463. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: None.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The task force submitted its report in February 1986 and recommended that the Agency pursue a non-regulatory approach in taking corrective actions. The Agency has adopted this recommendation and focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. In December 1986, MSHA issued Program Information Bulletin No. 86-6C and 86-3M on this subject to the mining community. The Agency will review the results of its efforts in order to evaluate whether the goal of accurate and reliable reporting has been effectively achieved. Should the Agency find that there is a need to further revise the reporting system through rulemaking, it is prepared to do so.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/85	
Task Force Report Completed	03/03/86	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA33

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Mine Safety and Health Administration (MSHA)

1464. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None.

Abstract: As a result of certain court decisions and previous efforts at rulemaking, MSHA withdrew its 1980 proposal and issued an ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations. Commenters to the ANPRM raised several critical issues, and MSHA subsequently reevaluated its approach for various aspects of the proposed rule which is

scheduled for publication in May 1987. The proposal will contain a meaningful procedure and appropriate criteria for identifying operators who are potential pattern violators.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA04

1465. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None.

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that addresses the wide-range of issues raised by commenters.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	02/00/88	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during November 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA10

1466. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None.

Abstract: The Agency will publish a proposed rule concerning ventilation in underground mines which will include provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues would include ventilation of worked-out areas; timeframes for tests for methane; and using intake air ventilating the conveyor belt to ventilate the working face.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	10/00/87	

Small Entity: Yes

Additional Information: Public hearings are anticipated to be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA11

1467. REVIEW OF METAL AND NONMETAL ELECTRICITY STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None.

Abstract: The electricity standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	09/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during December 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA14

1468. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None.

Abstract: The explosives standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1)

eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	08/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during November 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA17

1469. METAL AND NONMETAL AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5

Legal Deadline: None.

Abstract: The Agency is developing a NPRM which would replace an incorporation by reference with updated permissible exposure limits which are specifically applicable to the hazards encountered in metal and nonmetal mining. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures, and access to exposure records. The Department is in the process of developing a uniform policy on air quality in the work place. The Agency anticipates publishing a proposal in August 1987.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
Extension of Comment Period to 10/06/83	08/12/83	48 FR 36789
Extension of Comment Period to 11/07/83	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	08/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during December 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA21

1470. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None.

Abstract: The requirements for approval of explosives are part of the overall coal review of high priority standards. These standards would update and clarify existing specifications and tests. New provisions would recognize the development of sheathed explosive units. Public hearings are anticipated during April 1987.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	11/12/86	51 FR 41046
NPRM Comment Period End	01/12/87	51 FR 41046
Notice of Public Hearings	03/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA23

1471. MINE PLAN APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Chapter I

Legal Deadline: None.

Abstract: In March 1985, the Agency issued an ANPRM requesting comments on the existing plan approval process. After reviewing the comments, MSHA plans to publish a proposal which specifies requirements and identifies timeframes for action for mine operators and the Agency for the submission, review, and approval of new or revised mine plans. The Agency will seek public comment on the role of miners' representatives in the plan approval process.

Timetable:

Action	Date	FR Cite
Request for comments	03/22/85	50 FR 11644
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Public hearings will most likely be held during August 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA26

1472. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

DOL—MSHA **Proposed Rule Stage**

Legal Deadline: Judicial, May 1985. In response to a request by the United States Court of Appeals for the District of Columbia, MSHA submitted a timetable of projected dates for this rulemaking in May 1985.

Abstract: MSHA is reviewing its radiation standards and has identified certain issues with respect to regulatory action. The Agency published a proposed rule in December 1986 revising its existing ionizing radiation standards and the comment period closed in February 1987. MSHA is coordinating further rulemaking action with other federal agencies associated with this matter.

Timetable:

Action	Date	FR Cite
Request for Comments	01/29/85	50 FR 4144
Extension of Comment Period to 6/3/85	03/22/85	50 FR 11638
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Notice of Hearings	03/00/87	
Final Action	11/00/87	

Small Entity: Yes

Additional Information: Public hearings will most likely be held in April 1987.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA28

1473. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None.

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. MSHA has reexamined its role in the joint approval process and will also consider replacing federal testing with private-sector testing according to federal specifications. Actual approval authority along with a mechanism for post-approval audits would continue to remain with the government.
The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with these devices which are uniquely adapted or required for mining. The Agency's next step will be based on this decision.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-1910**

RIN: 1219-AA30

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

1474. PROCEDURES FOR APPROVAL OF MINING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 7

Legal Deadline: None.

Abstract: This would be a new Part. Under existing regulations, certain equipment must be tested and approved by MSHA prior to use in certain underground mines. The proposal would permit manufacturers or independent laboratories to test certain equipment prior to issuance of the Agency's approval. Actual approval authority along with a mechanism for post-approval audits would continue to remain with the government. The final rule will make modifications to the Agency's existing approval program, taking into consideration comments received.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Hearings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	02/06/86	51 FR 4686
Notice of Public Hearings	02/06/86	51 FR 4668
Extension of comment period to 5/7/86	04/04/86	51 FR 11586
NPRM Comment Period End	04/07/86	51 FR 4686
Final Action	09/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during July 1986.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA06

1475. UNDERGROUND COAL MINE ROOF CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Legal Deadline: None.

Abstract: The final rule would clarify, revise, and update MSHA's existing standards for controlling roof falls in underground coal mines. The final rule would also recognize technical advances in roof support, such as ATRS systems which is a new and developing technology that stabilizes unsupported roof during the installation of support.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	48 FR 40165
NPRM	10/15/85	50 FR 41784
Extension of Comment Period to 02/17/86	12/13/85	50 FR 50925
Notice of Public Hearings	01/17/86	51 FR 2525
Final Action	09/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during February 1986.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA13

1476. METAL AND NONMETAL GASSY MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21000

Legal Deadline: None.

Abstract: Under existing standards, all mines classified as gassy must comply with the same standards, and are either classified as "gassy" or "nongassy". The final rule places all underground mines in one of six categories based on the degree of hazard present at the mine. Each category has its own set of standards specific to the gradation of hazard present at the mine. Other changes, including reduction of recordkeeping requirements, allowance for compliance alternatives, and incorporation of updated technological provisions are also included in the final rule.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	06/04/85	50 FR 23612
Extension of Comment Period to 09/05/85	07/19/85	50 FR 29437
NPRM Comment Period End	08/05/85	50 FR 23612
Notice of Public Hearings	09/17/85	50 FR 37815
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA15

1477. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None.

Abstract: The existing standards governing the use of explosives in underground coal mines are outdated and incomplete. MSHA's final rule will substantially reorganize, clarify and update these requirements. In addition, the rule will recognize new explosive technology and will permit future changes in technology by using performance-oriented standards.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	05/09/86	51 FR 17284
Extension of Comment Period to 7/31/86	07/03/86	51 FR 24387
NPRM Comment Period End	07/08/86	51 FR 17284
Notice of Public Hearings	10/21/86	51 FR 37376
Final Action	01/00/88	

Small Entity: Yes

Additional Information: Public hearings were held in November 1986. See also RIN 1219-AA23 for abstract and timetables of related rulemaking to revise approval specifications for explosives.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA16

1478. SAFETY STANDARDS FOR LOADING, HAULING AND DUMPING AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.9000; 30 CFR 57.9000

Legal Deadline: None.

Abstract: The loading, hauling and dumping standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. As a result of consideration of the public rulemaking records relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency expects to reorganize the standards to more accurately and clearly identify the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
Extension of time to comment to 03/22/85	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	49 FR 49202
Notice of Public Hearings	07/03/85	50 FR 27566
Final Action	06/00/87	

Small Entity: Yes

Additional Information: Public hearings were held during August 1985.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA18

1479. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.14000; 30 CFR 57.14000

Legal Deadline: None.

Abstract: The machinery and equipment standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. As a result of consideration of the public rulemakings relating to both the machinery and equipment and loading, hauling and dumping standards, the Agency expects to reorganize the standards to more accurately and clearly identify the hazards.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375
NPRM Comment Period End	05/07/84	49 FR 8375
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA19

1480. UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Significance: Regulatory Program

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Legal Deadline: None.

Abstract: By regulation, MSHA tests certain types of equipment submitted by manufacturers prior to the issuance of an Agency approval. A fee is charged for this service. Since most of the existing approval requirements have not been revised for nearly 20 years, fees do not reflect current charges to the government related to the approval process. MSHA's final rule establishes the general criteria to be used in determining costs to the government. These criteria will be used to compute fees, on an annual basis, so that fees will be current and relevant. The computation criteria will be published in the Federal Register. Fee schedules will be made available to manufacturers of an annual basis.

Timetable:

Action	Date	FR Cite
NPRM	04/16/86	51 FR 12966
NPRM Comment Period End	06/16/86	51 FR 12966
Notice of Hearings	06/30/86	51 FR 23559
Final Action	03/00/87	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA29

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Completed Actions

1481. METAL AND NONMETAL GROUND CONTROL STANDARDS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.3000; 30 CFR 57.3000

Legal Deadline: None.

Abstract: The ground control standards were part of the overall metal and nonmetal review of high priority sections. These standards have been revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	03/11/83	48 FR 10593
ANPRM Comment Period End	05/11/83	
NPRM	03/06/84	49 FR 8368
NPRM Comment Period End	05/07/84	49 FR 8368
Notice of Public Hearings	05/21/84	49 FR 21494
Final Action	10/08/86	51 FR 36192
End Review	10/08/86	
Final Action Effective	12/08/86	51 FR 36192

Small Entity: Yes

Additional Information: Public hearings were held in June 1984. This entry is removed from future agendas.

Agency Contact: Patricia W. Silvey, Associate Assistant Secretary, for Mine Safety and Health, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA22

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1482. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1681 to 1683; 15 USC 3151; 29 USC 1501 et seq; 20 USC 1685; 20 USC 1686

CFR Citation: 29 CFR 31

Legal Deadline: Statutory, October 1, 1983. The statutory effective date for JTPA implementing regulations is 10/01/83; the ADA required implementing regulations within 90 days of the HHS guidance regulation which was published on June 12, 1979.

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: Draft proposed regulations were submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively. The Department is currently awaiting DOJ's approval of the regulations. Upon receipt of approval DOL will forward the regulations to the Office of Management and Budget for review pursuant to E.O. 12291, prior to publication as a NPRM.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA02

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1483. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Legal Deadline: None.

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/86	51 FR 40372
Final Action	06/00/87	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Division of Procurement and Grant, Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA06

1484. PUBLIC CONTRACTS AND PROPERTY MANAGEMENT; FEDERAL STANDARDS FOR AUDIT OF FEDERALLY FUNDED GRANTS, CONTRACTS AND AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 31 USC 7505(a); OMB Circular No. A-128; OMB Circular No. A-110

CFR Citation: 29 CFR 96

Legal Deadline: None.

Abstract: Amends administrative requirements for audit by adding sections on audit resolution and audit appeals.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23433
NPRM Comment Period End	08/26/86	51 FR 23433
Final Action	05/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA10

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

1485. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF LABOR PROGRAMS

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 33

Legal Deadline: None.

Abstract: Pursuant to the 1978 Amendments to Section 504 of the Rehabilitation Act of 1973, this final rule prohibits discrimination in all Department of Labor programs and activities requiring, among other things, that programs and activities when viewed in their entirety be readily accessible to the handicapped. That is to say, persons with handicaps, who are eligible for and who can achieve the purpose of a federally- conducted program or activity would be allowed access to that program or activity. In addition, the Department would also be required to ensure effective communications with applicants, participants, employees, other Federal personnel and members of the public. The rule provides, however, that the Department is not required to take actions which it can demonstrate would result in a fundamental alteration in the nature of a programs or activity or in undue financial and administrative burdens.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27298
NPRM Comment Period End	10/25/85	50 FR 27298
Final Action	04/09/87	52 FR 11600

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: William J. Harris, Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA04

1486. CLOSEOUT REQUIREMENTS FOR GRANTS, CONTRACTS, AND OTHER AGREEMENTS

Significance: Agency Priority

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110

CFR Citation: 29 CFR 97

Legal Deadline: None.

Abstract: Proposed administrative requirements for grants and agreements to provide uniform closeout procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/16/86	51 FR 32793
NPRM Comment Period End	11/17/86	
Delete Pending Update of Cir. A-102	03/05/87	

Small Entity: No

Agency Contact: Thomas K. Delaney, Deputy Director, Directorate of Procurement, and Grant Management, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm S1522, FPBldg., Washington, DC 20210, 202 523-9174

RIN: 1291-AA09

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1487. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA has evaluated the data received in response to the advance notice and has concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action, giving OSHA until 2/20/86 to respond. OSHA responded to the EPA referral on 2/26/86. OSHA has established a mediated rulemaking advisory committee to assist the agency in developing a proposed standard. The committee expects to complete its work in April 1987. OSHA has agreed to publish the Committee's recommendations (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
TSCA section 9(a) referral from EPA	07/05/85	50 FR 27674
OSHA response to EPA TSCA referral	02/26/86	51 FR 6748
Selection of advisory committee members and notice of first meeting	07/03/86	51 FR 24452
Publication of Advisory Committee recommendations	05/00/87	
NPRM	08/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: within 30 days of receipt. Within 90 days of the Committee's recommendations OSHA will publish a

DOL—OSHA

Prerule Stage

proposed standard for occupational exposure to MDA.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rni N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA58

1488. ● GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented of reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA announced that it would begin rulemaking proceedings for these chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
NPRM	04/00/88	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA84

1489. MANUAL LIFTING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either formal rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information onManual Lifting-Related Injuries	10/02/86	51 FR 35241
Determination of next action	04/00/87	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA95

1490. GEAR CERTIFICATION (PART 1919)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None.

Abstract: The agency would seek information for the possible revision and updating of testing procedures to take into account changes in the design and composition of cargo handling gear since 1969. It would also seek information as to how the accreditation program might better be administered. For example, should OSHA continue to be the accrediting agency, or can such responsibility best be accomplished by another Federal Agency and/or private sector organization? Part 1919 implements requirements located in each of OSHA's maritime standards which cover work carried out within Federal maritime jurisdiction.

Timetable:

Action	Date	FR Cite
Request for Information	04/00/87	

Small Entity: Undetermined

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA97

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1491. OCCUPATIONAL EXPOSURES TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None.

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or

repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public hearings	03/24/87	52 FR 1212
Final Action	11/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

1492. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None.

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, given the very rapid advances since 1980 in the understanding of the mechanisms of carcinogenesis, it is time for OSHA to review and modernize the Carcinogen Policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Government Levels Affected: Federal

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

1493. ETHYLENE OXIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1047

Legal Deadline: None.

Abstract: On July 25, 1986, in Public Citizen HRG v. Tyson, Docket No. 84-1252, the United States Court of Appeals for the District of Columbia upheld most of the final standard on EtO, including the 1 ppm TWA. However, the Court remanded, the standard to the Agency for the proceedings on whether a short term exposure limit is justified to further reduce the significant risk that exists with a 1 ppm TWA alone. In accordance with the Court's order, OSHA intends to reopen the rulemaking record to review the STEL issue.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA03

1494. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None.

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA is reviewing the current standards and intends to propose revisions following its analysis of the standard and other comments and information received in response to the ANPRM published 05/14/82 and the preproposal draft that was circulated for comment in September 1985.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public comment period onpreproposal draft ends	11/29/85	
NPRM	04/00/87	
Public hearings on proposal	08/00/87	
Final Action	08/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA05

1495. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None.

Abstract: Following several years of rulemaking proceedings, OSHA, on June 20, 1986, published a revised final standard governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite in general industry and a new standard covering these substances in the construction industry. Since the standards' issuance, OSHA has received letters and petitions containing additional comments and information which the rulemaking record may not fully reflect. These comments concern the appropriateness of regulating non-asbestiform tremolite, anthophyllite and actinolite as presenting the same occupational health risk as asbestos. In order to assure that these submissions are fully considered, and to permit public comment on relevant issues, OSHA has granted a temporary stay of the effective date of the revised standards insofar as they apply to non-asbestiform tremolite, anthophyllite and actinolite. The stay is effective from July 21, 1986, to April 21, 1987. During this period, OSHA will reopen the rulemaking record for the purpose of reconsidering the issue of whether non-asbestiform tremolite, anthophyllite and actinolite should continue to be regulated as presenting the (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial administrative stay	10/17/86	51 FR 37002
NPRM	10/00/87	

Small Entity: Yes

Additional Information: ABSTRACT (CONT'D): same health risk as asbestos or should be treated in some other way.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA26

1496. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None.

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA28

1497. HAZARDOUS MATERIALS—FLAMMABLE AND COMPRESSED GASES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart H

Legal Deadline: None.

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	01/00/88	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution

Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA31

1498. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331

Legal Deadline: None.

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA32

1499. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None.

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
NPRM - Second	12/00/87	
End of Comment Period for Second NPRM	03/00/88	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA34

1500. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None.

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA36

1501. SCAFFOLDS AND SIMILAR WORK SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.28

Legal Deadline: None.

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA46 is a component of regulatory program RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, D.C. 20210, **202 523-8061**

RIN: 1218–AA46

1502. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, Subpart I

Legal Deadline: None.

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: No

Additional Information: 1. 1218-AA48 will be issued concurrently with 1218-AA46 and 1218-AA50 (Regulatory Program RIN 1218-AB04).

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA48

1503. LADDERS AND SIMILAR CLIMBING DEVICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30

Legal Deadline: None.

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: This agenda RIN 1218-AA50 is a component of regulatory program RIN 1218-AB04 (Walking and Working Surfaces).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA50

1504. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None.

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA51

1505. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None.

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 Lumber and Wood Products, Except Furniture

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA52

1506. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None.

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy would cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	

Action	Date	FR Cite
Preproposal Draft Submitted	07/00/83	
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA53

1507. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING(PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because so much of the current standard is out of date, compliance is minimal. These revised guidelines will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The current standard is too outdated to serve as a basis for increased consultation, training or education. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	02/00/89	

Small Entity: Yes

Affected Sectors: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA56

1508. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None.

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	09/00/88	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA59

1509. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Affected Sectors: 26 Paper and Allied Products

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA61

1510. MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.600; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1926.603; 29 CFR 1926.604; 29 CFR 1926.605; 29 CFR 1926.606

Legal Deadline: None.

Abstract: This regulatory action is being made to update the rollover protective structures to reflect the latest technology. In addition, the action is to eliminate redundant provisions, remove outdated referenced consensus standards, and delete ambiguous language from Subpart O of Part 1926.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA63

1511. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to revise the Steel Erection Standard to state clearly which employees (connectors, bolt-up crew, etc.) are required to use fall protection; which type of fall protection can be used (belts, nets, decking, catch platforms, etc.); and at what height fall protection is needed to meet the fall protection requirements for steel erection operations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA65

1512. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.21 - .23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA66

1513. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA68

1514. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.36 - .37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA70

1515. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None.

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	09/00/88	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational

Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA71

1516. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None.

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	04/00/89	

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA72

1517. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 - .252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA73

1518. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA74

1519. COMPRESSED AIR (PART 1926)

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Legal Deadline: None.

Abstract: OSHA published a "Request for Comments and Information" on April 22, 1985, on the subject of working in compressed air and decompression (50 FR 15756). Based on the information obtained, OSHA has determined that immediate action will not be taken. The Agency intends to continue data collection, and to reevaluate the decision in light of additional input, staff resources, and Agency priorities within 12 to 18 months.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	04/22/85	50 FR 15756
Comment Period Closed	07/22/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA76

1520. HAZARDOUS MATERIALS--FLAMMABLE AND COMBUSTIBLE LIQUIDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.106 (Revision)

Legal Deadline: None.

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address

current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 7692
NPRM	01/00/88	
Final Action	04/00/89	

Small Entity: Undetermined

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA77

1521. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000, Table Z-1

Legal Deadline: None.

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. OSHA intends to initiate rulemaking to revise the standard for BD pursuant to section 6(b) of the Occupational Safety and Health Act.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA83

1522. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.7; 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	07/00/88	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218-AA91

1523. SURFACE PREPARATION AND PRESERVATION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.32; 29 CFR 1915.33; 29 CFR 1915.34; 29 CFR 1915.35; 29 CFR 1915.36

Legal Deadline: None.

Abstract: This regulatory action will revise the existing shipyard standard covering surface preparation and preservation in enclosed confined and other spaces. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: Yes

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.94; 29 CFR 1910.106 - .107.

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA96

1524. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None.

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition has been granted,

in part, and denied, in part. Specifically, OSHA has issued a set of guidelines for controlling occupational exposure to DCM and has decided to proceed with rulemaking to develop a new permanent standard. OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard.

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	09/00/87	
Informal public hearings	12/00/87	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218-AA98

1525. ● HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1200

Legal Deadline: None.

Abstract: On May 24, 1985, the U.S. Court of Appeals for the Third Circuit directed the Secretary of Labor to reconsider application of the Hazard Communication standard and to consider extending the application of the standard to employers in industries other than manufacturing unless he can state reasons why such application would not be feasible. Because the public rulemaking record for the Hazard Communication standard developed prior to OSHA's promulgation of the rule on November 23, 1983 does not contain sufficient information on industries other than those in the manufacturing sector, OSHA has initiated rulemaking action and related data-gathering activities to determine whether extension of the standard to cover other industry sectors is feasible.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	50 FR 48794
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AB02

1526. REVISION OF TELECOMMUNICATIONS TRAINING RECORDS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1910.268(c)

Legal Deadline: None.

Abstract: This regulatory action will propose to revise the current recordkeeping requirement that telecommunications employers maintain a record of employee training (under Subpart R) by requiring instead that employers certify that an employee has received the appropriate training outlined in the employer-developed training program. This action is being undertaken in compliance with the Paperwork Reduction Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Mr. Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB07

1527. REVISION OF CONSTRUCTION INDUSTRY TEST AND INSPECTION RECORDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926

Legal Deadline: None.

Abstract: The purpose of this regulatory action is to revise three provisions in Part 1926, Construction Safety and Health Regulations, to allow employers to prepare a record to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests and inspections required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, RM N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AB12

1528. ● HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126; 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120 (Subpart H)

Legal Deadline: Statutory, October 16, 1987.

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Operations and Emergency Response by October 17, 1987. The law requires the proposed rule to address eleven areas: site analysis, training, medical surveillance, protective equipment, engineering controls, maximum surveillance, protective equipment, engineering controls, maximum exposure limits, informational programs, handling and labeling, new technology programs, decontamination procedures, and emergency response. The agency is developing a Regulatory

DOL—OSHA **Proposed Rule Stage**

Impact Analysis; however, no preliminary information on cost or benefits is presently available. OSHA intends to conduct public hearings in three locations across the country to enhance public comment and participation in this rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/19/86	51 FR 45654
NPRM	04/00/87	
Public Hearings (April and May)	05/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Affected Sectors: All

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB13

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1529. ETHYLENE DIBROMIDE (EDB)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None.

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public HearingHeld	02/08/84	
Final Action	02/00/88	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

1530. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.20

Legal Deadline: None.

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions. OSHA is currently reviewing the information received and developing a final standard.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
NPRM Comment Period End	09/21/82	
Public Hearing Held	10/05/82	
Final Action	04/00/87	

Small Entity: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA15

1531. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702

Legal Deadline: None.

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations is necessary. The current concrete standard contains outdated referenced standards, gaps in coverage, redundant provisions, and provisions which may need clarification. The referenced standards are being updated and placed in the body of the standard. New standards are being added to cover precast concrete erection and masonry wall construction. The provisions that were identified as being redundant are being removed and the ambiguous provisions are being clarified.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
Comment Period Extended 30 Daysto 12/16/85	10/21/85	50 FR 42571

Action	Date	FR Cite
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/08/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA20

1532. GRAIN HANDLING FACILITIES (PARTS 1910 AND 1917)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910; 29 CFR 1917

Legal Deadline: None.

Abstract: Hazards associated with fires and explosions in grain handling facilities have existed for many years. These hazards continue to exist, and pose a risk of harm to employees working in these facilities. Based on an extensive rulemaking record resulting from a proposed standard for grain handling facilities, OSHA is developing a final rule to mitigate the hazards associated with these facilities. OSHA is carefully considering the record to assure that the scope, application and other provisions of the standard appropriately address the hazards.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA22

1533. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None.

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA33

1534. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b), (c) and (f); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t) and (w); 29 CFR 1926.700(b)(1); 29 CFR 1926.951(b)(4)(i)

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA37

1535. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None.

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts,

chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	07/00/87	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

1536. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	02/23/87	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA40

1537. SAFETY TESTING/CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1907, (Revision); 29 CFR 1910, (Revision); 29 CFR 1935, (New); 29 CFR 1936, (New)

Legal Deadline: Judicial, March 30, 1985. Deadline established pursuant to settlement agreement with MET Electrical Testing Company, Inc.

Abstract: This proposal addresses various requirements in the General Industry standards (Part 1910) for either "safety testing" of certain workplace equipment and materials or the use of equipment/materials "certified for safety." It would include many self-regulatory and standards-developing efforts in the private sector and use already existing systems (in private sector or Government) for (1) the accreditation of testing laboratories and third-party certification programs, and (2) the certification for safety of workplace equipment. New Part 1936 would affect only applicants seeking system recognition by OSHA. New Part 1935 would contain those test methods/procedures already specified in OSHA standards or adopted through 6(b) rulemaking. Amended Part 1910 would (1) clarify employer responsibilities, (2) require valid test results or certifications, and (3) provide uniformity in OSHA terminology for several already-existing requirements and definitions. The remainder of Part 1907 would be revoked.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period End	03/15/83	48 FR 7204
NPRM	03/06/84	49 FR 8326
NPRM Comment Period End	06/21/84	49 FR 19336
Informal Public Hearing	09/25/84	49 FR 28739
Limited reopening of Proposed Rule until 12/31/84	11/30/84	49 FR 47049
Final Action First on Certain Aspects of Proposal	04/00/87	
Reopen Record on other Aspects for new Information	07/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: 1. Settlement agreement: MET Electrical Testing Company, Inc. v. Raymond J. Donovan, Secretary of Labor: Civil No. Y-82-1133, in the U.S. District Court for the District of Maryland. 2. ANPR Title: "Accreditation of Testing Laboratories" 3. NPRM Title: "Safety Testing or Certification of Certain Workplace Equipment and Materials (formerly entitled Accreditation of Testing Laboratories)."

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, Washington, D.C. 20210, **202 523-8061**

RIN: 1218–AA42

1538. CRANE OR DERRICK SUSPENDED PLATFORMS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.550

Legal Deadline: None.

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This NPRM has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices.

Data to determine the potential costs and benefits from this rulemaking are currently being evaluated by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
Final Action	07/00/87	

Small Entity: No

Affected Sectors: 15 Building Construction - General Contractors and Operative Builders; 16 Construction Other Than Building Construction - General Contractors; 17 Construction - Special Trade Contractors

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA45

1539. BENZENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Legal Deadline: None.

Abstract: OSHA has proposed to amend the existing standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's preliminary determination that the proposed standard is needed to reduce the risk of leukemia and other adverse health consequences of exposure to benzene. The D.C. Circuit dismissed a petition to set a specific deadline.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice changing public hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public hearings	03/11/86	50 FR 50512
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA47

1540. PRESENCE SENSING DEVICE INITIATION OF MECHANICAL POWER PRESSES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Legal Deadline: None.

Abstract: This regulatory action will remove an existing provision which prohibits presence sensing device initiation of mechanical power presses, and will add provisions which will enable the presence sensing device initiation to be done safely. Presence sensing device initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A preliminary regulatory impact analysis has been completed. It is estimated that the discounted savings over the first 10 years the standard will be in effect will be approximately $535 million.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12700
NPRM Comment Period End	06/27/85	50 FR 12700
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA54

1541. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None.

Abstract: The existing standard is being proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
Final Action	05/00/88	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA57

DOL—OSHA Final Rule Stage

1542. SERVICING SINGLE PIECE RIM WHEELS (PART 1917)

Significance: Regulatory Program

Legal Authority: 33 USC 941; 29 USC 655

CFR Citation: 29 CFR 1917.44(o) (Revision)

Legal Deadline: None.

Abstract: OSHA intends to revise 1917.44(o) to include the servicing of single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency spoke of its desire to extend the same type of coverage to the maritime industry. The Agency has been petitioned by maritime labor and management groups to initiate this action.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30230
NPRM Comment Period End	09/24/86	51 FR 30230
Final Action	07/00/87	

Small Entity: Undetermined

Affected Sectors: 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA75

1543. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1000; 29 CFR 1910.1048; 29 CFR 1910.19

Legal Deadline: None. There is currently no applicable legal deadline. However, OSHA has submitted documents to the U.S. Court of Appeals for the District of Columbia Circuit indicating its intention to complete this regulatory action in September 1987.

Abstract: Studies indicate adverse health effects in humans and animals exposed to airborne formaldehyde at concentrations permitted by OSHA's present standard. In humans, formaldehyde causes reversible sensory irritation of the eyes, nose, and throat of some persons at concentrations of about 1 ppm. As concentration increases, the prevalence and severity of effects increase. A chronic study in animals suggests that formaldehyde may also pose a carcinogenic risk since a statistically significant excess risk of cancer occurred at 5.6 and 14.3 ppm, and benign tumors and cytotoxic changes occurred at 2 ppm. This information indicates that the present OSHA standard for formaldehyde may need revision. On December 10, 1985, OSHA published a proposed standard. Public hearings were held in May 1985. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/85	50 FR 15179
ANPRM Comment Period End	08/15/85	50 FR 15179
NPRM	12/10/85	50 FR 50412
NPRM Comment Period End	03/10/86	50 FR 50412
Public hearings	05/05/86	51 FR 75842
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218-AA82

1544. HAZARD COMMUNICATION IN SHIPYARD EMPLOYMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1915.97, (Revision)

Legal Deadline: None.

Abstract: As the shipbuilding and ship repairing industries (SIC 37) are covered under the scope of the Hazard Communication Standard (29 CFR 1910.1200), duplication of regulations exist due to similar requirements in Section 1915.97 dealing with informing employees about hazardous materials. This action would eliminate this duplication in the shipbuilding and ship repairing industries by deleting from 29 CFR 1915.97 those regulations (paragraphs (a), (b) and (c) of section 1915.97) dealing with hazard communication and referencing the Hazard Communication Standard. Shipbreaking, (SIC 44), would remain under the coverage of coverage of section 1915.97(a), (b) and (d). The mandatory use of the OSHA Form 20 (MSDS), currently required by section 1915.97 (c), would be eliminated for all three shipyard industries.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17991
NPRM Comment Period End	07/15/86	51 FR 17991
Final Action	04/00/87	

Small Entity: Yes

Affected Sectors: 37 Transportation Equipment; 44 Water Transportation

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA88

DEPARTMENT OF LABOR (DOL) Completed Actions

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

1545. ANNUAL REPORT FROM FEDERAL CONTRACTORS

Significance: Regulatory Program

Legal Authority: 38 USC 2012(d)

CFR Citation: 41 CFR 61-250

Legal Deadline: Statutory, February 12, 1983. Within 90 days of enactment which was October 14, 1982.

DOL—ASVET **Completed Actions**

Abstract: Implements requirements of 38 USC 2012(d) for an annual report from entities having contracts of $10,000 or more with Federal agencies or departments. Specifies that the report shall include the number of special disabled and Vietnam-era veterans in the contractor's work force by job category and hiring location, number of employees hired and of those hired, the number of special disabled and Vietnam-era veterans.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33360
ANPRM Comment Period End	09/18/85	50 FR 33360
NPRM	05/28/86	51 FR 19294
NPRM Comment Period End	06/27/86	51 FR 19294
Final Action	03/04/87	52 FR 6674
Final Action Effective	04/03/87	52 FR 6674

Small Entity: Undetermined

Agency Contact: Carlon J. Johnson, Veterans' Employment Specialist, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, Rm S1316, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9110

RIN: 1293-AA01

[FR Doc. 87-6607 Filed 04-24-87; 8:45 am]

BILLING CODE 4510-23-T

federal register

Monday
April 27, 1987

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 202]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 87-6, the April 1987 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354).

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-2350.

DATED: January 16, 1987.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Prerule Stage

1546. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: Eventual U.S. ratification of 1973 Convention; Providing a Uniform Law on the Form of an International Will; will provide basis for establishing Registry

CFR Citation: 22 CFR 92.81(3), amendment to

Legal Deadline: None.

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention (see 3, above), there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, **202 647-3666**

RIN: 1400-AA09

1547. ● FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None.

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Peter H. Flournoy, Attorney-Adviser, Department of State, Office of the Legal Adviser, Washington, DC 20520, **202 647-2282**

RIN: 1400-AA10

1548. ● REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: Not yet determined

Legal Deadline: Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a $5,000 penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, **202 647-4446**

RIN: 1400-AA13

DEPARTMENT OF STATE (STATE) — Proposed Rule Stage

1549. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None.

Abstract: The Foreign Missions Act creates certain authorities for the

STATE **Proposed Rule Stage**

Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400-AA04

1550. IMPLEMENTATION OF 1980 HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Significance: Regulatory Program

Legal Authority: None, until ratification of treaty.

CFR Citation: 22 CFR Not yet determined

Legal Deadline: None.

Abstract: The 1980 Hague Convention provides for the prompt return of children habitually resident in one contracting State who have been wrongfully abducted to another, including wrongful retention by a non-custodial parent. When the United States ratifies the Convention and Congress enacts the federal legislation, the Bureau of Consular Affairs will be tasked by executive order to serve as U.S. Central Authority (CA) under the Convention. Thus it will receive applications for the return of children wrongfully abducted to or retained in the United States. In conjunction with cooperating authorities in the U.S. State where the child is believed to be located, the CA's task will include seeking to locate the child, facilitating the initiation of a court action to require the child's return, arranging for the provision of information about the child's circumstances in the country of its habitual residence, and arranging for the child's return transportation if return is ordered. The President transmitted the convention for advice and consent to ratification by the Senate on October 30, 1985 (Senate Treaty Doc. 99-11). The Senate gave its advice and consent on October 9, 1986.

Timetable:

Action	Date	FR Cite
Senate Advice and Consent to ratification	10/09/86	
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: Detailed legal analysis of Convention, submitted to Senate Foreign Relations Committee Chairman Lugar (January 1986), was published with Convention text and other documents in the Federal Register of March 26, 1986 (pages 10494 to 10516).

Agency Contact: Carmen A. DiPlacido, Dir., Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400-AA05

1551. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None.

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Government Levels Affected: State, Federal

Agency Contact: James Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400-AA07

1552. ● DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653, (New)

Legal Deadline: None.

Abstract: The Department of State is publishing the Department of State Acquisition Regulation (DOSAR) as part of the Federal Acquisition Regulations System, which consists of the Federal Acquisition Regulation (FAR) and agency acquisition regulations that implement or supplement the FAR. This action is necessary to provide regulatory guidelines not otherwise found in the FAR for Department of State acquisitions. There are no other alternatives for addressing the problem; the DOSAR must be established in accordance with FAR Subpart 1.3. By this action, the Department of State will establish a single regulation for its acquisition policies, procedures, contract clauses, solicitation procedures, and forms that govern its relationship with its contractors and prospective contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	04/00/87	
Final Action	06/00/87	
Final Action Effective	06/00/87	
Begin Review	06/00/87	
End Review	00/00/00	

Small Entity: No

Agency Contact: John J. Conway, Procurement Executive, Department of

STATE **Proposed Rule Stage**

State, Room 227, SA-6, Washington, DC 20520, **202 235-9258**

RIN: 1400–AA16

DEPARTMENT OF STATE (STATE) **Final Rule Stage**

1553. GUIDELINES FOR EXTRAORDINARY PROTECTION OF FOREIGN MISSIONS

Significance: Agency Priority

Legal Authority: 22 USC 4314; PL 99-93, Sec 126

CFR Citation: 22 CFR 2(a)

Legal Deadline: None.

Abstract: In some cases where the Secretary of State has requested extraordinary protective services, such as fixed guardposts at a building or residence, or dedicated bodyguard protection for a foreign official who has been specifically threatened, some local authorities have had difficulty in providing protection.

Through the Foreign Missions Act and the Foreign Missions Act Amendments of 1985, Congress has authorized the Secretary of State to provide, among other benefits, protective services to foreign missions. Thus, the Secretary may arrange with State and local authorities for extraordinary protection for foreign officials where necessary, either by request of local authorities or on the Secretary's initiative.

For fiscal year 1986, $2.5 million was provided in addition to amounts for reimbursement to New York, a program previously administered by the Treasury Department.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	51 FR 28391
Consultations with local law enforcement officials began	01/01/86	
NPRM	08/07/86	
Final Action	08/07/86	51 FR 28391
NPRM Comment Period End	10/07/86	
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: Discussions with representative groups of local law enforcement authorities on the draft guidelines have been completed.

The law requires prior consultation with the Congress on the guidelines. Consultations with relevant committees of Congress began 1/1/86, have now been completed. Currently we consult with relevant law enforcement authorities on the actual implementation of these regulations.

Agency Contact: Sidney Teleford, Director for Protective Security, Department of State, Bureau of Diplomatic Security, Washington, DC 20520, **202 647-2596**

RIN: 1400–AA03

[FR Doc. 87-6610 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 87-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last agenda. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street, SW., Washington, DC 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, SW., Washington, DC 20591; the U.S. Coast Guard, which is located at 2100 Second Street, SW., Washington, DC 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, SW., Room 5424, Washington, DC 20026-4090.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

Table of Contents

Supplementary Information:
- Background
- Regulatory Flexibility Act
- Definitions
- Explanation of Information on the Agenda
- Mailing Lists for Regulatory Documents
- General Rulemaking Contact Persons
- Public Rulemaking Dockets
- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
- Appendix C - Public Rulemaking Dockets

Agenda

Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register**. The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last agenda was published in the **Federal Register** on October 27, 1986 (51 FR 38613). The next one is scheduled for publication in the **Federal Register** in October, 1987.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The agenda covers all rules and regulations of the Department, including

DOT

those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the Federal Register; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines requires such an analysis.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the agenda is divided into four categories: (1) prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) the "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline; (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a "RIN" number assigned solely to identify an individual action in the agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291,

must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the explanation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning

the agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC on March 12, 1987.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591.

Federal Highway Administration (FHWA)

The FHWA has in the past maintained a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Due to staff and budgetary constraints, it has become necessary to discontinue the availability of this service.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any regulatory document to be issued by the NHTSA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street, SW., Washington, DC 20590.

Maritime Administration (MARAD)

Anyone desiring a copy of a MARAD regulatory document referred to in the agenda may request a copy of that document by contacting James Saari, Secretary, Maritime Administration, 400 Seventh Street, SW., [Room 7300B], Washington, DC 20590, (202) 366-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 2110, 2100 Second Street, SW., Washington, DC 20593. Telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915A, Washington, DC 20591. Telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, SW., Room 4223, Washington, DC 20590. Telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, SW., Room 8201, Washington, DC 20590. Telephone: 202/366-0767.

NHTSA - Steve Oesch, Office of Chief Counsel, 400 7th Street, SW., Room 5219, Washington, DC 20590. Telephone: 202/366-2992.

UMTA - Katherine Cowen, Office of Chief Counsel, 400 7th Street, SW., Room 9223, Washington, DC 20590. Telephone: 202/366-1936.

DOT

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, SW., Room 5424, Washington, DC 20590. Telephone: 202/366-0101.

RSPA - Rebecca Bentson, Office of Chief Counsel, 400 7th Street, SW., Room 8420, Washington, DC 20590. Telephone: 202/366-4401.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street, SW., Room 7300B, Washington, DC 20590. Telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington, DC 20590. Telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, SW., Room 2110, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, SW., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, DC 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, SW., Room 5108, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, SW., Room 9223, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1554	+ Review of Department-Wide Drug Regulations	2105-AB24
1555	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1556	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1557	Air Carrier Cargo Tariff Publications	2105-AA31
1558	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1559	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1560	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1561	Comprehensive Review of CAB Consumer Rules	2105-AB03
1562	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1563	+ Electronic Filing of Tariffs	2105-AB00
1564	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1565	+ Commercial Space Transportation: Third-Party Liability Insurance for Commercial Space Launch Activities	2105-AA26
1566	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1567	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1568	+ Certification of Speed-Limit Enforcement	2105-AB22
1569	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1570	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1571	Airline Time and Mileage Guides	2105-AA39
1572	Direct Flights	2105-AA73
1573	Diversion of Flights Within a Metropolitan Area	2105-AA78
1574	Baggage Liability Notices in International Air Transportation	2105-AA84
1575	Simplified Airline Counter-Sign Notices	2105-AA88
1576	Update the Department of Transportation Acquisition Regulations to Implement the Competition in Contracting Act as Set Forth in the Federal Acquisition Regulations--Proposed Rules	2105-AB15
1577	Warranty Regulations for Major System Acquisitions of the United States Coast Guard - Proposed Rule	2105-AB16
1578	Names of Air Carriers and Foreign Air Carriers	2105-AB18

DOT

Office of the Secretary—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1579	+ Commercial Space Transportation: Licensing Regulations	2105-AA25
1580	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1581	+ Public Availability of Information	2105-AA05
1582	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1583	Title VI Civil Rights Regulation	2105-AA02
1584	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1585	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1586	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1587	Minority Business Enterprise Program (Financial Assistance Programs); Counting Credit for Suppliers and Other Service Providers	2105-AA20
1588	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1589	Zones for Airline Mail Rates	2105-AA44
1590	Air Travelers: Age Discrimination	2105-AA45
1591	Policy Statement on Airline Preemption	2105-AA46
1592	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1593	Effect of Expiration of a Bilateral on Foreign Air-Carrier Authority	2105-AA68
1594	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1595	Simplified Aviation Exemption Procedures	2105-AA82
1596	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1597	+ 14 CFR Parts 204 and 291, Limitation on Fitness Determination: Revocation of Operating Authority	2105-AB19
1598	Certificate Duration in Limited-Entry Markets. Notice Requirements for Carriers Leaving Limited-Entry Markets During a Selection Case. Procedures and Criteria for Selecting Carriers	2105-AA49
1599	Nondiscrimination in Federally-Assisted Aviation Economics-Related Programs of DOT	2105-AA66
1600	Joint Tariff Filing by Foreign Airfreight Forwarders	2105-AA69
1601	Essential Air Service Subsidy for the Freely Associated States	2105-AA86
1602	Employment Discrimination Against Handicapped Persons by Air Carriers	2105-AA92

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1603	+ California Offshore Routing System (83-032)	2115-AB29
1604	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1605	+ Regulations for Self-Elevating Offshore Service and Support Vessels (CGD 86-074)	2115-AC63
1606	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA82
1607	Revocation of Military Explosives Regulations (83-006)	2115-AB33
1608	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1609	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1610	Uninspected Fish-Processing Vessels (86-025)	2115-AC34

+ Designates significant regulation.

DOT

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1611	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1612	+ Operating a Vessel While Intoxicated: Commercial Vessels (84-099)	2115-AC23
1613	+ Operating a Vessel While Intoxicated: Recreational Vessels (84-099A)	2115-AC24
1614	+ Mandatory Alcohol and Drug Testing Following Serious Marine Incidents Involving Commercial Vessels (CGD 86-080)	2115-AC62
1615	+ Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116)	2115-AA03
1616	+ Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes (84-040)	2115-AB89
1617	+ Drug Detection for Merchant Marine Personnel (CGD 86-067)	2115-AC45
1618	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1619	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1620	Defect Notification and First-Purchaser Information (77-115)	2115-AA16
1621	Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
1622	Crane Operator Qualifications and Standards for Offshore Crane Design, Inspection, Testing, and Operation (79-059)	2115-AA34
1623	Inflatable Liferaft Stability (80-113)	2115-AA50
1624	Maneuvering Performance Regulations (80-136)	2115-AA53
1625	Servicing Inflatable Liferafts (81-010)	2115-AA57
1626	Personal Flotation Devices (81-023)	2115-AA58
1627	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1628	Offshore Supply Vessel Regulations (82-004)	2115-AA77
1629	General Revisions of Pollution-Prevention Regulations for Tankers (82-030)	2115-AA88
1630	Hand-Held Flashlights: Independent Inspection Agencies (82-042)	2115-AA91
1631	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA92
1632	Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1633	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB21
1634	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1635	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1636	Hazardous Materials Used as Ship's Stores Onboard Vessels (84-044)	2115-AB65
1637	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
1638	Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1639	Marine Portable Tanks (84-043)	2115-AB69
1640	Personal Flotation Device Components (84-068)	2115-AB70
1641	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1642	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1643	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1644	Certification of Seamen (84-088)	2115-AC02
1645	Inland Waterway Navigation Regulations; All Waters Tributary to the Gulf of Mexico (85-096)	2115-AC03
1646	Delegation of Authority to United States Classification Societies (85-019)	2115-AC10
1647	Fire Detection and Alarm Systems (85-051)	2115-AC13
1648	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1649	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1650	Subchapter "T" Title 46, General Updates and Revisions (85-080)	2115-AC22
1651	46 CFR Subchapter 1. Editorial Revisions and Corrections (86-033)	2115-AC28
1652	Hazardous Substances Pollution Prevention (86-034)	2115-AC29
1653	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1654	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1655	U.S. Aid to Navigation Systems (86-031)	2115-AC33
1656	Load Lines (86-013)	2115-AC37
1657	Self-Inspection of Fixed OCS Facilities (CGD 84-098(a))	2115-AC40
1658	Offshore Evacuation Procedures (84-098(b))	2115-AC41
1659	Navigation Bridge Visibility (CGD 85-099)	2115-AC42
1660	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1661	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1662	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1663	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1664	SOLAS 74/83 Revision of Pyrotechnic Distress Signal Approval Requirements (85-203)	2115-AC49
1665	SOLAS 74/83 Revision of Disembarkation Ladder Approval Requirements (85-204)	2115-AC50
1666	SOLAS 74/83 Revision to Inflatable Liferaft Approval (85-205)	2115-AC51
1667	SOLAS 74/83 Revision of Hydraulic Release Device Approval Requirements (85-206)	2115-AC52
1668	SOLAS 74/83 Revision of Davit and Winch Approval Requirements (85-207)	2115-AC53
1669	SOLAS 74/83 Radar Reflector Approval Requirements (85-209)	2115-AC54
1670	SOLAS 74/83 Revision of Lifebuoy Approval Requirements (85-210)	2115-AC55
1671	SOLAS 74/83 Revision of Life Jacket Light Approval Requirements (85-211)	2115-AC56

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1672	Advance Notice of Arrival (CGD 86-055)	2115-AC58

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1673	+ Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
1674	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1675	+ Licensing of Maritime Personnel (CGD 81 - 059)	2115-AA64
1676	+ Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60
1677	+ Implementation of the North American Datum of 1983 (NAD 83) (CGD 86-082)	2115-AC44
1678	Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
1679	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
1680	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1681	Launching Devices for Liferafts (79-168)	2115-AA45
1682	Automated and Remote-Control Monitoring of Vital Systems (81-030)	2115-AA59
1683	General Bridge Permit Regulations (81-057)	2115-AA61
1684	Safety/Security Zone Regulations	2115-AA97
1685	Anchorage Area Regulations	2115-AA98
1686	Documentation of Vessels; Controlling Interest (82-105)	2115-AB27
1687	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1688	Accommodations, Rails and Guards (84-073)	2115-AB68
1689	Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1690	MARPOL Pollution Prevention Regulations (85-026)	2115-AC11
1691	Carriage and Operational Requirements for Inflatable Life Jackets (78-174b)	2115-AC16
1692	Heald Bank Cutoff Safety Fairway (85-062)	2115-AC19
1693	Berwick Bay Vessel Traffic Service (85-076)	2115-AC21
1694	Compatibility of Cargoes (86-100)	2115-AC35
1695	Boating Safety; Fuel System Standard (85-098)	2115-AC36
1696	Great Lakes Pilotage Rates (86-020)	2115-AC38

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1697	+ Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf (79-077)	2115-AA35
1698	Review: Vessel Reporting Requirements	2115-AB28
1699	Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (80-159)	2115-AA01
1700	Reception Facilities (78-035)	2115-AA21
1701	Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (81-101)	2115-AA73
1702	Fairways on the Southern Coast of Alaska (81-103)	2115-AA74
1703	Subchapter "D" & "O" Barges - Internal Inspections (82-005)	2115-AA78
1704	Independent Laboratory Inspection of Lifesaving Equipment (83-030)	2115-AB38
1705	Editorial Changes to Title 46 CFR Resulting from P.L. 98-89 (83-067)	2115-AB54
1706	Mobile Offshore Drilling Unit Operating Manual Requirements (83-071)	2115-AB56
1707	Exception of Unmanned Barges from COLREGS Vertical Sector Light Requirements (84-049)	2115-AB90
1708	Lifesaving Equipment: Immersion Suits (84-069a)	2115-AB98
1709	Puget Sound: Vessel Traffic Service (85-092)	2115-AC01
1710	Type A and B Fuel Hose in the Fuel Systems Standard (85-098)	2115-AC04
1711	Boating Safety; Certification and Safe Powering Standards (85-002)	2115-AC07
1712	Control of Residues and Mixtures Containing Oil or Noxious Liquid Substances (85-010)	2115-AC08
1713	Boating Safety; Ventilation Standard (85-059)	2115-AC15
1714	Puget Sound Vessel Traffic System (85-092)	2115-AC26

DOT

U.S. Coast Guard—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1715	Documentation of Vessels	2115-AC31
1716	Inland Waterway Navigation Regulations; Gulf of Mexico (85-096)	2115-AC39

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1717	+ Review of Medical Standards and Certification Procedures	2120-AA70
1718	+ Improved Seat-Safety Standards	2120-AA88
1719	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1720	+ Fire Protection Requirements for Cargo and Baggage Compartments - Parts 121 and 135	2120-AC04
1721	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1722	Review: Part 67--Medical Standards and Certification	2120-AB13
1723	Review: Part 141--Pilot Schools	2120-AB14
1724	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1725	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28
1726	Miscellaneous Amendments	2120-AA50
1727	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
1728	Instrument Flight Rule Requirements	2120-AA82
1729	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1730	Part 61--Certification: Pilots and Flight Instructors	2120-AB12
1731	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1732	Low-Fuel-Quantity Alerting System	2120-AB46
1733	Antiblocking Device	2120-AB92
1734	Flight Attendant Flight Time Limitations and Rest Requirements	2120-AB97
1735	Aircraft Fleet Modernization Strategies	2120-AC03
1736	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1737	Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1738	+ Review and Revision of Repair Station Requirements	2120-AC38
1739	+ Low-Altitude Windshear Equipment Requirements for Takeoffs/Landings of Transport Category Airplanes	2120-AA01
1740	+ Metropolitan Washington Airports Policy	2120-AA89
1741	+ Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
1742	+ Airplane Cabin-Fire Protection	2120-AB22
1743	+ Civil Helicopter Noise Certification	2120-AB33
1744	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1745	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1746	+ Elimination of Airport Delays	2120-AB42
1747	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1748	+ Ultralight Aircraft Registration and Marking	2120-AC09
1749	+ Part 23 Airworthiness Review - Notice No. 1 (Crashworthiness)	2120-AC16
1750	+ SST Stage 3 Compliance	2120-AC22
1751	+ Location of Passenger Emergency Exits in Transport-Category Airplanes	2120-AC29
1752	+ Flight Attendant Requirements During Deplaning and Boarding	2120-AC32
1753	+ Control of Drug and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities	2120-AC33
1754	+ Installation of Traffic Control Avoidance System in Domestic Transport Category Airplanes	2120-AC34
1755	+ Single-Class Terminal Control Area	2120-AC35
1756	+ Terminal Control Area Pilot and Equipment Requirements	2120-AC36
1757	Part 91, Subpart B, National Airspace Review Recommendations	2120-AA07
1758	Objects Affecting Navigable Airspace	2120-AA09

DOT

Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1759	Cessna Finance Petition	2120-AA15
1760	Inoperative Instruments or Equipment	2120-AA19
1761	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1762	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
1763	Transport Category Airplane Airworthiness Standards	2120-AA47
1764	Implementation of SAFER Propulsion System Recommendations	2120-AA49
1765	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
1766	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1767	Transport Rotorcraft Structural Fatigue and Damage Tolerance	2120-AA84
1768	National Airspace Review (NAR) Terminal Airspace Task Group Recommendations	2120-AB02
1769	Bird Impact and Lightning Protection for Propellers of Composite Construction	2120-AB05
1770	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1771	Transport Category Rotorcraft Performance	2120-AB36
1772	Miscellaneous Operational Amendments	2120-AB45
1773	Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records	2120-AB53
1774	Powered Ultralights: Airman Certification Requirements	2120-AB69
1775	Part 157 Review	2120-AB74
1776	Part 101 Review Program	2120-AB75
1777	Engine Fuel and Induction Systems	2120-AB76
1778	Expansion of Applicability of Section 43.17 to Include Any Country with Appropriate Bilateral Airworthiness Agreement, Including Maintenance	2120-AB89
1779	Revised One-Engine-Inoperative Ratings for Rotorcraft	2120-AB90
1780	Turbine Burst Protection for Transport Category Helicopters	2120-AB91
1781	Controlled Air Space Designations in International Air Space	2120-AB93
1782	Airspace Reclassification	2120-AB95
1783	Terminal Control Area (TCA) San Diego (Modification)	2120-AB98
1784	Transponder Requirements	2120-AB99
1785	Changes Requiring a New Type Certificate	2120-AC05
1786	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1787	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14
1788	Part 23 Airworthiness Review, Notice No. 2	2120-AC15
1789	Part 150 - Airport Noise-Compatibility Planning	2120-AC19
1790	Rotorcraft Certification Requirements Coordination with European Airworthiness Authorities Steering Committee (AASC)	2120-AC27
1791	Security Control of Air Traffic	2120-AC37

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1792	+ Update of Part 139	2120-AA10
1793	+ Carry-On Baggage	2120-AC06
1794	+ Certification of Recreational Pilots and Annual Flight Review	2120-AA54
1795	+ Protective Breathing Equipment	2120-AB32
1796	+ Proposed Revision to Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AB47
1797	+ Charges for Use of Metropolitan Washington Airports	2120-AB48
1798	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1799	Review: Carriage of Weapons and Other Dangerous Objects at Washington National Airport and Washington Dulles International Airport	2120-AC01
1800	Revision of Part 91	2120-AA13
1801	Rotorcraft Regulatory Review Program Amendment No. 3	2120-AA28
1802	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
1803	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
1804	Nighttime VFR Weather Minimums	2120-AB04
1805	Airworthiness Standards; Aircraft Engine, Engine Control Systems	2120-AB06
1806	Helicopter Instrument Flight	2120-AB87
1807	Flight Plan and Transponder Requirements	2120-AC00
1808	Preflight Assembly of Gliders and Balloons	2120-AC10
1809	Aircraft Identification and Retention of Fuel System Modification Records	2120-AC11

DOT

Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1810	Part 95 Instrument Flight Rules	2120-AA63
1811	Airworthiness Directives	2120-AA64
1812	Standard Instrument Approach Procedures	2120-AA65
1813	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1814	+ Parts Manufacturer Approvals	2120-AA00
1815	+ Flight Recorders and Cockpit Voice Recorders	2120-AA95
1816	+ Advanced V/STOL Rotorcraft Standards	2120-AB25
1817	+ Mode S Transponder	2120-AB03
1818	Metropolitan Washington Airports Regulations	2120-AA12
1819	Recording of Aircraft Titles and Security Documents - Notice of Lien	2120-AA14
1820	Rotorcraft Review Notice No. 5-Operations and Maintenance	2120-AA30
1821	Regulation of Motor Vehicles Carrying Passengers for Hire at Washington National Airport	2120-AA62
1822	High Density Airport Traffic Rule	2120-AA72
1823	Revise Part 23 to Include Commuter Category Airplanes	2120-AA77
1824	FAR 23.49(b) Stall Speeds for Single-Engine and Multi-Engine Airplanes of 6,000 lbs. or Less	2120-AA92
1825	Appendix G, Continuous Turbulence Criteria	2120-AB20
1826	Type Certification Procedures - Special Classes of Aircraft	2120-AB44
1827	Dealer's Aircraft Registration Certificate	2120-AB49
1828	Helicopter Minimum Flightcrew	2120-AB86
1829	Special Flight Authorization for Noise-Restricted Aircraft - SFAR 47	2120-AC21
1830	IFR Altitudes	2120-AC31

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1831	+ Truck Size and Weight; Reasonable Access	2125-AB70
1832	+ Blood Alcohol Concentration Standard for Commercial Vehicle Operators	2125-AB79
1833	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32
1834	Manual on Uniform Traffic Control Devices; Restructure	2125-AB57

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1835	+ Federal Motor Carrier Safety Regulations: General	2125-AA34
1836	+ Qualification of Drivers; Drugs; Post-Accident Testing	2125-AA79
1837	+ Inspection, Repair, and Maintenance	2125-AB34
1838	+ Federal Motor Carrier Safety Regulations	2125-AB35
1839	+ Parts and Accessories Necessary for Safe Operation; General	2125-AB45
1840	+ Employee Safety and Health Standards	2125-AB50
1841	+ Driving a Motor Vehicle	2125-AB51
1842	+ Truck Size and Weight; Specialized Equipment; Boat Transporters	2125-AB55
1843	+ Qualification of Drivers; Hazardous Materials Drivers	2125-AB64
1844	+ Semitrailer-Semitrailer; B-Train	2125-AB66

DOT

Federal Highway Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1845	+ National Commercial-Vehicle Driver-Licensing Standards; Single-License Standards	2125-AB68
1846	+ Truck Size and Weight; Special Permits	2125-AB80
1847	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1848	+ Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers	2125-AB62
1849	+ Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1850	Review: General Materials Requirements	2125-AA19
1851	Contract Procedures	2125-AA18
1852	Compliance with Motor Carrier Noise Standards	2125-AA27
1853	Railroad Grade Crossings	2125-AA36
1854	Pavement Design Policy	2125-AA88
1855	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1856	State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements	2125-AB08
1857	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)	2125-AB15
1858	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1859	Railroad-Highway Projects	2125-AB25
1860	Administration of Contracts	2125-AB30
1861	Structural Supports for Highway Signs, Luminaries and Traffic Signals	2125-AB56
1862	Right-of-Way	2125-AB58
1863	Property Management and Disposals	2125-AB60
1864	National Bridge Inspection Standards; Frequency of Inspection and Inventory	2125-AB71
1865	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1866	+ Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84
1867	+ Truck Size and Weight; Grandfather Semitrailer Lengths	2125-AB26
1868	+ Truck Size and Weight; Tandem Truck Safety Act	2125-AB28
1869	+ Hours of Service	2125-AB39
1870	+ Truck Size and Weight; Automobile Transporters	2125-AB42
1871	+ Truck Size and Weight; Lane Widths	2125-AB43
1872	+ Safety Fitness Determination	2125-AB46
1873	+ Truck Size and Weight; Specialized Equipment; Maxi-Cube	2125-AB48
1874	+ Accommodation of Utilities; Longitudinal Utility Use of Freeway Right-of-Way	2125-AB76
1875	+ National Commercial-Vehicle Driver-Licensing Standards; Requirements and Penalties	2125-AB78
1876	+ Environmental Impact and Related Procedures	2125-AA05
1877	Emergency Relief	2125-AA50
1878	Transfer of Federal-Aid Highway Funds	2125-AA64
1879	Acceleration of Projects	2125-AA87
1880	Navigational Clearances for Bridges	2125-AB07
1881	Required Contract Provisions	2125-AB20
1882	Labor and Employment	2125-AB37
1883	Agreement Provisions Regarding Overruns in Contract Time	2125-AB49
1884	Reimbursement for Railroad Work	2125-AB59
1885	Cargo Preference	2125-AB73
1886	Minimum Levels of Financial Responsibility for Motor Carriers; Environmental Restoration	2125-AB77

+ Designates significant regulation.

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1887	+ Parts and Accessories Necessary for Safe Operation; Front-Wheel Brakes	2125-AB63
1888	+ Minimum Levels of Financial Responsibility for Motor Carriers; Evidence	2125-AB61

DOT

Federal Highway Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1889	Written Examination	2125-AA33
1890	Samples and Testing of Materials and Construction	2125-AB31
1891	Truck Length and Width Exclusive Devices	2125-AB69
1892	Notification and Reporting of Accidents; Property Damage Threshold	2125-AB74
1893	Mitigation of Environmental Impacts to Privately Owned Wetlands; Technical Amendments	2125-AB75
1894	Accounting; Rescission of Regulations	2125-AB81
1895	National Standards for Specific Information Signs; Rescission of Regulations	2125-AB72

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1896	+ Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1897	+ Side Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
1898	+ Uniform Tire-Quality Grading	2127-AA52
1899	+ Occupant Crash Protection	2127-AB91
1900	Review: Schoolbus Seating Systems	2127-AA65
1901	Review: Seating Systems	2127-AA69
1902	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1903	Flammability of School Bus Interior Materials	2127-AA44
1904	Consumer Information - Wet Stopping Distance	2127-AA56
1905	Vehicle Classification - Compact Vans/Station Wagons	2127-AA57
1906	Occupant Protection In Interior Impact	2127-AB16
1907	Voluntary Tire Registration	2127-AB18
1908	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43
1909	Occupant Crash Protection: Dynamic-Testing Petition	2127-AC00

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1910	+ Crashworthiness Ratings	2127-AA03
1911	+ Commercial Vehicle Conspicuity	2127-AA12
1912	+ Truck Rear Underride Protection	2127-AA43
1913	+ Pedestrian Protection	2127-AA45
1914	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
1915	+ Splash and Spray Suppression Devices	2127-AA97
1916	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1917	+ Side Impact Protection: Thorax Protection	2127-AB86
1918	+ Lighting Simplification--Potential Amendments to Simplify FMVSS 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1919	+ 1990-1991 Model Year Light-Truck Fuel-Economy Standards	2127-AC05
1920	+ Daytime Running Lights	2127-AB92
1921	+ Head Restraints	2127-AC06
1922	Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1923	Passenger Car Brake Systems	2127-AA13
1924	Rearview Mirror Systems: Heavy Vehicles	2127-AA21
1925	Rearview Mirror Systems: Light Vehicles	2127-AA23
1926	Air-Brake Systems	2127-AA27
1927	Heavy Trailer Stability	2127-AB42
1928	Procedures for Considering Environmental Impacts	2127-AB79
1929	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
1930	Anthropomorphic Test Dummies Representing Children	2127-AB94
1931	Child Restraint Systems -- Built-in Child Restraints	2127-AB97

DOT

National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1932	Glazing Materials	2127-AB98

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1933	+ Post-1986 Passenger Car Fuel-Economy Standards	2127-AB75
1934	+ Petitions for Deviations from the Vehicle Theft Prevention Standard	2127-AB81
1935	+ Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection	2127-AB84
1936	+ Occupant Crash Protection: Light-Truck Safety Belt Dynamic Testing	2127-AC01
1937	Controls and Displays	2127-AA06
1938	Steering Control Rearward Displacement	2127-AA32
1939	Motorcycle Helmets	2127-AA40
1940	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1941	Consumer Information--Stopping Distance	2127-AA50
1942	Rearview Mirrors	2127-AA88
1943	Hydraulic and Air Brake Systems	2127-AA92
1944	Seat Belt Assembly Anchorages	2127-AA95
1945	Air Brake Systems	2127-AB12
1946	Occupant Crash Protection	2127-AB71

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1947	+ Review: Child Seating Systems	2127-AA70
1948	+ 1989 Model Year Light-Truck Fuel-Economy Standards	2127-AC02
1949	+ Seating Systems: Seat-Back Release	2127-AB96
1950	+ Occupant Crash Protection: One-Car Credit	2127-AB99
1951	Lamps, Reflective Devices and Associated Equipment	2127-AB37
1952	Insurer Reporting Requirements (Theft Prevention Standard)	2127-AB82
1953	Lamps, Reflective Devices and Associated Equipment	2127-AC07
1954	Lamps, Reflective Devices and Associated Equipment	2127-AC08

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1955	+ Review of Radio Communication	2130-AA34
1956	Review: Regulatory Flexibility Act Reviews	2130-AA10
1957	Review of Locomotive Cab Safety	2130-AA32
1958	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
1959	Safety Standards for Cabooses	2130-AA01
1960	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
1961	Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27

+ Designates significant regulation.

DOT

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1962	+ Informal Safety Inquiry and Rulemaking; Control of Alcohol and Drug Use in Railroad Operations	2130-AA43
1963	Rules of Practice	2130-AA07

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1964	Railroad Accidents/Incidents: Reports Classification and Investigation	2130-AA42

Urban Mass Transportation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1965	+ Maintenance of Equipment and Facilities	2132-AA26

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1966	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
1967	+ Major Capital Investment Projects	2132-AA22
1968	+ Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24
1969	School Bus Operations	2132-AA09
1970	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1971	+ Charter Bus Operations	2132-AA04
1972	+ Environmental Impact and Related Procedures	2132-AA03
1973	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
1974	Innovative Techniques and Methods	2132-AA05
1975	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
1976	Technology Introduction	2132-AA07
1977	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Noncompliance	2132-AA23

+ Designates significant regulation.

DOT

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1978	+ Private Enterprise Participation	2132-AA20

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1979	+ State Pipeline Safety Inspector Standards	2137-AB28
1980	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
1981	+ Confidential Treatment: Aviation Economics - Related Material	2137-AB02
1982	+ Gas Gathering Line Definition	2137-AB15
1983	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
1984	+ Performance-Oriented Classification and Packaging Standards for Explosives and Blasting Agents	2137-AB25
1985	+ Training Program Guidelines	2137-AB26
1986	+ Proposals for Pipeline Safety	2137-AB27
1987	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
1988	Revision of Operating Procedures for Motor Vehicles	2137-AA07
1989	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
1990	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
1991	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
1992	Quality Assurance for Radioactive Materials Shippers	2137-AA30
1993	DOT Specification 51 Portable Tanks	2137-AA36
1994	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
1995	Revision of the IM Tank Table	2137-AA64
1996	Rewrite and Recodification of Section 173.34	2137-AA73
1997	Airline Revenue/Nonrevenue, First Class/Coach Passengers: Revised Definitions	2137-AB00
1998	Subsidized Commuter Carriers: Records and Retention Periods	2137-AB04

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1999	+ Performance-Oriented Packaging Standards	2137-AA01
2000	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
2001	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
2002	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
2003	+ Confidentiality of Parts 241 and 298 Airline Reports	2137-AB05
2004	+ Recodification of Explosive Regulations	2137-AA93
2005	Review: Consolidation of Specifications for High-Pressure Seamless Cylinders	2137-AA92
2006	Definition of a Flammable Solid	2137-AA05
2007	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
2008	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
2009	Odorization of LP Gas	2137-AA25
2010	Confirmation or Revision of Maximum Allowable Operating Pressure Near Certain Occupied Buildings or Outside Areas	2137-AA62
2011	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2012	Limitation Aboard Aircraft	2137-AA85
2013	Emergency Response Communication Standards	2137-AA88
2014	Bulk Packagings and Miscellaneous Rule Changes	2137-AA90
2015	Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
2016	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2017	Exception from Pressure Testing Non-Welded Tie-In Joints	2137-AB19
2018	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2019	Transportation of Natural and Other Gas by Pipeline; Miscellaneous Amendments	2137-AB22
2020	Reporting Safety-Related Conditions	2137-AB23

DOT

Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2021	Deletion of Standards Incorporated by Reference	2137-AB24

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2022	+ Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2137-AA96
2023	+ Specification and Use Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Including Proj. 301-83 and Incorporates Docket HM 183)	2137-AA42
2024	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2025	Gas Pipeline Damage Prevention Program	2137-AA71
2026	Fire Protection and Security of Liquefied Natural Gas Facilities	2137-AB13

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2027	+ Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey	2137-AA95
2028	+ Hazardous Substances	2137-AA68
2029	+ Oversales	2137-AB17
2030	Interval for Review and Calculation of Relief Device Capacity	2137-AB12
2031	Exceptions for Nondestructive Testing of Welds in Transmission Line Repair	2137-AB14

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2032	+ Construction-Differential Subsidy Repayment	2133-AA61
2033	+ Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA57
2034	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2035	Review of All MARAD Program Regulations	2133-AA56
2036	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2037	+ Approval of Marine Hull Underwriters	2133-AA50
2038	+ Cargo Preference - Implementation of P.L. 99-198	2133-AA55
2039	Review: War Risk Insurance	2133-AA54
2040	Rules of Practice and Procedures for Hearing in ODS Applications	2133-AA20
2041	Regulations Governing Public Buildings and Grounds at the U.S. Merchant Marine Academy	2133-AA60

+ Designates significant regulation.

DOT

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2042	+ Cargo Preference U.S.-Flag Vessels; Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
2043	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2044	+ Notice of Intent to Redesignate Essential Trade Routes	2133-AA44
2045	+ Cargo Preference, U.S.-Flag Vessels: Evaluation of Bids for Subsidized Liner Vessels	2133-AA52
2046	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2047	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51
2048	Documentation, Transfer or Charter of Vessels; Amendment of Processing Procedures for Certain Applications	2133-AA59

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2049	+ Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies	2133-AA18
2050	+ Final Guidelines For Considering Early ODS Contract Terminations	2133-AA47
2051	+ Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Services; General Procedures for Determining ODS	2133-AA53
2052	Making Excess or Surplus Federal Property Available to the United States Merchant Marine Academy (USMMA), State Maritime Academies and Approved Nonprofit Maritime Training Institutions	2133-AA34
2053	Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA42

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Office of the Secretary (OST)

1554. + REVIEW OF DEPARTMENT-WIDE DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Department will review existing regulations to determine whether changes are necessary for each of the Modal Administrations' drug regulations. The Department seeks to address the use of drugs through its regulatory authority. The review will encompass each Modal Administration's program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Samuel E. Whitehorn, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, Regulations and Enforcement, 400 7th St., SW, Washington, DC 20590, 202 366-9307

RIN: 2105-AB24

1555. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AA98

1556. ● + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

DOT—OST

Prerule Stage

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This petition, filed by Mr. Theodore Harris, addresses the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner asks that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 44304)	08/27/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AB26

1557. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None.

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA31

1558. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None.

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer-protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA67

1559. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA70

1560. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None.

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. Standardization of the regulatory tariff-filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105-AA99

1561. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Legal Deadline: None.

Abstract: The Civil Aeronautics Board was an independent agency; its rules

have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Nonregulatory approaches, including the supplying of information by the Government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: Timothy J. Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 10405, Washington, DC 20590, 202 366-2220

RIN: 2105-AB03

1562. ● PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None.

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105-AB25

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Proposed Rule Stage

1563. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the Government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. In order to assure that users' needs are taken into consideration and that the private sector is involved to the maximum extent in the design, implementation, and operation of such a system, the Department established an Advisory Committee to make continuing recommendations on technical, operational, and policy objectives of the electronic tariff system.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Federal Register Notice establishing Advisory Committee	11/24/86	51 FR 42327

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas Moore, Chief, Tariffs Division, 400 Seventh Street, SW, Washington, DC 20590, (202) 366-2414.

Agency Contact: Desta McDowell, MIS Specialist, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105-AB00

1564. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Agency Priority

Legal Authority: 29 USC 794; Section 404(a) of the Federal Aviation Act of 1958, as amended.

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: None.

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held

that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received in response to its August 1986 information notice on issues reflecting blind passengers as part of the record for this rulemaking. The Department is proposing to use regulatory negotiation to draft proposed and final rules on this subject.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: The Department published a notice February 23, 1987, proposing to establish an advisory committee for the purpose of regulatory negotiation (52 FR 5467).

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA18

1565. + COMMERCIAL SPACE TRANSPORTATION: THIRD-PARTY LIABILITY INSURANCE FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Significance: Agency Priority

Legal Authority: PL 98-575, Sec 16 Commercial Space Launch Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Persons authorized to conduct commercial launch activities by a license issued by DOT are statutorily required to have in effect at least that amount of third-party liability insurance prescribed by DOT for the licensed activity. The rulemaking addresses alternate approaches to setting the appropriate amount of third-party liability insurance licensees must carry. The Department has determined that because of the climate of uncertainty currently affecting the space launch and space insurance industries, further action on the rulemaking is not appropriate at this time. Such insurance determinations as the Department is required or requested to make in this area will be handled on a case-by-case basis.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280

Next Action Undetermined

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105-AA26

1566. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None.

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM	04/12/83	48 FR 15639
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA41

1567. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None.

Abstract: This rule would inform passengers of their right to a seat in a nonsmoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA72

1568. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None.

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be reviewed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9307**

RIN: 2105-AB22

1569. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION--STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None.

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4754**

RIN: 2105-AA06

1570. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None.

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset." A CAB NPRM that was being developed on this subject will be subsumed in this project. A draft NPRM is now being reviewed by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA29

1571. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas Moore, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2414**

RIN: 2105-AA39

1572. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Department of Transportation, Office of

the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA73

1573. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Period	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA78

1574. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None.

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Timothy Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA84

1575. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None.

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA88

1576. UPDATE THE DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATIONS TO IMPLEMENT THE COMPETITION IN CONTRACTING ACT AS SET FORTH IN THE FEDERAL ACQUISITION REGULATIONS--PROPOSED RULES

Significance: Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59; PL 98-369, Title VII

CFR Citation: 48 CFR 1201, (Revision)

Legal Deadline: None.

Abstract: The Competition in Contracting Act (CICA) P.L. 98-369, effective April 1, 1985, makes major changes in the structure and control of the Federal acquisition process. These changes have been effected by the Federal Acquisition Regulation (FAR). The intent of the update of the Department's acquisition regulation is to implement the FAR coverage of CICA where required, and make other changes necessary to implement FAR changes through Federal Acquisition Circular #14.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: Yes

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, Room 9100, 400

DOT—OST

Proposed Rule Stage

Seventh Street, SW, Washington, DC 20590, **202 366-4271**

RIN: 2105-AB15

1577. WARRANTY REGULATIONS FOR MAJOR SYSTEM ACQUISITIONS OF THE UNITED STATES COAST GUARD - PROPOSED RULE

Significance: Nonsignificant

Legal Authority: PL 98-473

CFR Citation: 48 CFR 1246

Legal Deadline: None.

Abstract: This rulemaking would establish the regulations for Coast Guard warranties that shall be included in all contracts with prime contractors for major system acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: Undetermined

Agency Contact: Roger Martino, Department of Transportation, Office of the Secretary, Room 9100, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4271**

RIN: 2105-AB16

1578. NAMES OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1381; 49 USC 204(a); 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 215, (Revision)

Legal Deadline: None.

Abstract: The Department must now routinely decide issues of name similarity whenever an airline wishes to use a different name for its operations or a new applicant wishes to use a name for its proposed operations. The issue arises even where there is no evidence that use of a certain name will cause or has caused confusion with an existing name. The current rule is duplicative of other statutes. The issue can be decided privately without routine, active government intervention, or can be handled on a case-by-case basis. The proposed rule would 1) delete specific criteria for decisions on name cases, 2) emphasize ad hoc enforcement, and 3) change the rule to make it a form of registration. Removal of routine intervention would reduce delay in applications for name changes. It would not result in less protection for travelers when there is a real need for action.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 5547
NPRM Comment Period End	04/27/87	52 FR 5547

Small Entity: Undetermined

Agency Contact: Joseph Brooks, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9349**

RIN: 2105-AB18

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Final Rule Stage

1579. + COMMERCIAL SPACE TRANSPORTATION: LICENSING REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 415

Legal Deadline: None.

Abstract: The rulemaking addresses the general organization and procedures of the Office of Commercial Space Transportation and the review procedures and information requirements pertaining to launch license applications. The final regulations will identify the general factors the government will consider, in the absence of published technical standards, in the course of determining whether to grant a launch license request. The process identified in the final regulations will set out in greater detail the two-part process initially described in the Department's Notice of Policy published in the Federal Register on February 25, 1985. That process consists of a Mission Review, focusing on national security and foreign policy issues, and a launch Safety Review, focusing on public safety issues. The final regulations will contain revisions that will respond to comments received by the Department on the interim regulations published February 26, 1986. These regulations are significant because they involve issues of substantial interest to the public and important DOT policies.

Timetable:

Action	Date	FR Cite
Notice of Policy and Request for Comments	02/25/85	
Comment Period on Notice 02/25/85 to	04/26/85	
Interim Final Rule	02/26/86	51 FR 6870
Comment on Interim Final Rule 02/26/86 to	04/28/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105-AA25

1580. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f)

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider revisions of the existing rule. The aim

of the revisions would be to reduce regulatory burdens associated with the present rule and clarify the administration of some provisions about which questions have been raised. On the basis of this review, the Department intends to publish, from time to time, proposed rules to improve various aspects of the way the program is administered. This review is to improve the administration of the existing program, and it is not intended to affect the major policy provisions of the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457

Next Action Undetermined

Small Entity: Yes

Additional Information: Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule published March 12, 1981 (46 FR 16282). Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA04

1581. + PUBLIC AVAILABILITY OF INFORMATION

Significance: Agency Priority

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Legal Deadline: Statutory. The Freedom of Information Act of 1986, Pub. L. 99-570, Title I, Subtitle Q, requires agencies to promulgate regulations implementing the Act's fee schedule, fee waiver and law enforcement provisions within 180 days after the date of enactment.

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It would also address records relating to those functions of the Civil Aeronautics Board that were transferred to the Department. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.

Timetable:

Action	Date	FR Cite
NPRM	11/12/85	50 FR 42049
NPRM Comment Period End	12/16/85	
SNPRM/Interim Final Rule	01/16/87	52 FR 1992
Comment Period Ends	02/17/87	
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Additional Information: Further, the timeframe for a supplemental NPRM addressing PUB. L. 99-570 (fee schedule, fee waiver and law enforcement provisions) is in accordance with statutory requirements and cognizant of soon to be published OMB guidelines.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4542**

RIN: 2105-AA05

1582. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None.

Abstract: This notice asks comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requests information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Comments have been received and are being reviewed. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice, including various regulatory steps and taking no further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	
Final Action	06/15/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AB23

1583. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None.

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 01/19/81

DOT—OST

Final Rule Stage

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4754**

RIN: 2105-AA02

1584. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None.

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	05/00/87	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA03

1585. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None.

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	10/00/87	

Small Entity: No

Agency Contact: Jack Bennett, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9669**

RIN: 2105-AA08

1586. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None.

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
Final Action	12/00/87	

Small Entity: No

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5992**

RIN: 2105-AA09

1587. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Significance: Nonsignificant

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Legal Deadline: None.

Abstract: The current DOT MBE rule provides that recipients and contractors may receive a maximum of 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department is considering regulatory changes to correct unintended anomalies that may have resulted from this approach. The Department published an NPRM on this rule October 3, 1985, and is now determining what, if any, action to take as a result of the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40422
Final Action	05/01/87	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA20

1588. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None.

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the

comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entity: No

Agency Contact: Tim Kelly, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105-AA40

1589. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None.

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. The rule is now moot with regard to domestic mail rates except in Alaska.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
NPRM Supplemental (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
NPRM Supplemental	12/15/85	
Final Action	06/30/87	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA44

1590. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None.

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105-AA45

1591. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9953
Interim Final Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	03/31/88	

Small Entity: Yes

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105-AA46

1592. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None.

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585

Action	Date	FR Cite
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	04/30/88	

Small Entity: Yes

Agency Contact: John Hokanson, Chief, Air Carrier Subsidy, Need Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1035

RIN: 2105-AA47

1593. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None.

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would have reversed that policy in order to ensure equal competitive opportunities for U.S. carriers.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	08/02/83	
To be withdrawn (SPDR-89 and SPDR-89A, Docket 41497)	06/00/87	

Small Entity: No

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10105, Washington, DC 20590, 202 366-2388

RIN: 2105-AA68

1594. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None.

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9154

RIN: 2105-AA77

1595. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None.

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	06/01/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 366-2406.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105-AA82

1596. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None.

Abstract: The Department is reviewing current aviation-merger procedural regulations to reduce regulatory obstacles to air carrier acquisitions of other air carriers.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 17490
NPRM Comment Period End	06/12/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: George Baranko, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5621

RIN: 2105-AB20

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Office of the Secretary (OST)

1597. + 14 CFR PARTS 204 AND 291, LIMITATION ON FITNESS DETERMINATION: REVOCATION OF OPERATING AUTHORITY

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1386; 49 USC 1388; 49 USC 1389

CFR Citation: 14 CFR 204; 14 CFR 291

Legal Deadline: None.

Abstract: The rule as finalized will automatically revoke the authority of carriers who do not begin operations within one year of being found fit or who, having begun and then ceased operations, remain dormant for any subsequent one-year period. The rule replaces the existing continuing-fitness regulation, which called for new fitness determinations only after a two-year period of dormancy--and even then, only if a dormant carrier actually intended to start operations. The new rule, by reducing the number of dormant certificated carriers, should greatly enhance our ability to monitor carriers under the continuing-fitness function. The costs should be negligible because, under the Department's streamlined certification procedures, carriers needing to reapply for certificate authority by virtue of the rule would face filing requirements and procedures closely comparable to those that already exist under the Department's current continuing-fitness regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19071
NPRM Comment Period End	06/26/86	
Final Action	10/31/86	51 FR 40410
Final Action Effective	12/08/86	51 FR 40410

Small Entity: No

Agency Contact: Patricia T. Szrom, Chief, Special Authorities Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6402, Washington, DC 20590, 202 366-9721

RIN: 2105-AB19

1598. CERTIFICATE DURATION IN LIMITED-ENTRY MARKETS. NOTICE REQUIREMENTS FOR CARRIERS LEAVING LIMITED-ENTRY MARKETS DURING A SELECTION CASE. PROCEDURES AND CRITERIA FOR SELECTING CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Legal Deadline: None.

Abstract: This action establishes criteria upon which carriers will be selected to serve those markets where the number of US-flag carriers is restricted under current bilateral arrangements. The rule establishes that all certificate authority in limited-designation markets will be awarded on an experimental basis, for five-year terms. This rulemaking is significant because it considered alternatives that could establish new policy and legal precedent in the selection of carriers for limited designation markets and the duration of the authority which these carriers are awarded. The rule also establishes a requirement that carriers operating under pendente lite exemptions provide 90 days notice prior to withdrawing from a market.

Timetable:

Action	Date	FR Cite
ANPRM	07/27/82	47 FR 32442
Extension of ANPRM Comment Period	09/24/82	47 FR 42122
ANPRM Comment Period End	09/27/82	
Extended ANPRM Comment Period End	11/29/82	
NPRM	09/23/85	50 FR 38539
NPRM Comment Period End	11/07/85	50 FR 38539
Final Action	12/01/86	51 FR 43180
Final Action Effective	12/01/86	

Small Entity: No

Agency Contact: Vance Fort, Deputy Asst. Secretary, Department of Transportation, Office of the Secretary, Policy and International Affairs, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4551

RIN: 2105-AA49

1599. NONDISCRIMINATION IN FEDERALLY-ASSISTED AVIATION ECONOMICS-RELATED PROGRAMS OF DOT

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

Legal Deadline: None.

Abstract: The CAB reviewed its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250. This regulation and its relationship to the DOT Title VI regulation (49 CFR Part 21) were reviewed, and it has been determined that no further regulatory action is needed. Action is terminated.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	
Action terminated	02/17/87	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA66

1600. JOINT TARIFF FILING BY FOREIGN AIRFREIGHT FORWARDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Legal Deadline: None.

Abstract: This rule would have permitted indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. The rule would have required that advance notice be given to the shipper that the shipment would be interlined, and that the shipment was not otherwise consolidated for rating purposes. The rule would simply have codified an existing exemption order, CAB Order 82-12-24, 99 CAB 673. Action was terminated because subsequent

experience has shown no need for the codification.

Timetable:

Action	Date	FR Cite
Terminated	01/05/87	

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105-AA69

1601. ESSENTIAL AIR SERVICE SUBSIDY FOR THE FREELY ASSOCIATED STATES

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1502; S.J. Res. 286 Compact of Free Association; H. Doc. 98-192 Compact of Free Association

CFR Citation: 14 CFR 211; 14 CFR 272, (Proposed); 14 CFR 302

Legal Deadline: None.

Abstract: The Compact of Free Association between the U.S. and the governments of certain territories in the Trust Territory of the Pacific Islands was adopted by the U.S. Congress, and entered into effect for the Federated States of Micronesia and the Marshall Islands on November 3, 1986. The Compact of Free Association and related Article IX of the Federal Programs and Services Agreement makes provision for payment of subsidy, if necessary, to maintain essential air transportation to the Federated States of Micronesia and the Marshall Islands and Palau when the Compact becomes effective for Palau. The Compact and Agreement also permit the Department under certain conditions to pay subsidy to Freely Associated States air carriers and to authorize these carriers to carry local air traffic between Guam, the Commonwealth of the Northern Mariana Islands, and Honolulu, Hawaii. This rule establishes the requirements and procedures for implementing these provisions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-478/PDR-89, Docket 42721)	01/02/85	50 FR 95
NPRM Comment Period End	04/04/85	
Reply to Comments due	04/25/85	
Final Action	02/23/87	52 FR 5440
Final Action Effective	02/23/87	

Small Entity: No

Agency Contact: Peter Schwarzkopf, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5621

RIN: 2105-AA86

1602. EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED PERSONS BY AIR CARRIERS

Significance: Nonsignificant

Legal Authority: 29 USC 794; 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1389; EO 12250 45 FR 72995

CFR Citation: 14 CFR 382

Legal Deadline: None.

Abstract: The CAB was considering new rules prohibiting unlawful discrimination against otherwise qualified handicapped persons who are employed by, or are seeking employment from, airlines. This proposed rule is under the authority of the Rehabilitation Act of 1973, and therefore would apply to carriers receiving a subsidy from the Federal Government. Since employment practices of recipients of DOT financial assistance, including air carriers, are covered by the Department's existing Section 504 rule (49 CFR Part 27), no additional rulemaking action is necessary and this rulemaking is terminated.

Timetable:

Action	Date	FR Cite
Action terminated	02/17/87	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105-AA92

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

1603. + CALIFORNIA OFFSHORE ROUTING SYSTEM (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None.

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). Coordination with the Minerals Management Service will be necessary to implement rulemaking.

Analysis: Regulatory Impact Analysis

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0364

RIN: 2115-AB29

1604. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

DOT—USCG

Prerule Stage

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100; 46 CFR 159

Legal Deadline: None.

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to the extent practicable. This rulemaking is significant because it will set precedent for a whole range of anticipated Coast Guard initiatives and is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2420

RIN: 2115–AB73

1605. ● + REGULATIONS FOR SELF-ELEVATING OFFSHORE SERVICE AND SUPPORT VESSELS (CGD 86-074)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 125 to 136; 46 CFR 170; 46 CFR 173; 46 CFR 174

Legal Deadline: None.

Abstract: The Coast Guard is proposing regulations that will establish safety standards for self-elevating offshore service vessels commonly known as liftboats. The high rate of casualties which have been experienced by these vessels has emphasized the need for specific regulations addressing the hazards inherent in their operations. These vessels support the offshore mineral and energy industry by performing a multitude of services such as dive support, painting, sandblasting and well servicing, among others. In performing these services, these vessels fall within the statutory definition of Offshore Supply Vessels (OSV) and are therefore subject to inspection as OSVs. The Coast Guard will consider using existing standards wherever possible, particularly those that have and are being applied to conventional OSVs. However, because of the unique design and operating characteristics exhibited by these liftboats, many of the current regulations used to inspect and certificate conventional OSVs are inadequate to ensure the safe operation of these vessels. The Coast Guard believes that development and enforcement of standards specifically addressing these (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	

Small Entity: Undetermined

Additional Information: unique hull forms and operating characteristics will significantly improve their safety record. These rules are not expected to impose substantial costs on industry. On February 14, 1983, the Coast Guard published an ANPRM concerning new construction of Offshore Supply Vessels (OSVs)(48 FR 6636). The information in the ANPRM presents the Coast Guard's overall approach with respect to developing comprehensive standards for conventional offshore supply vessels as contrasted with liftboats and other nonconventional OSVs. On March 7, 1985, the Coast Guard published an ANPRM on Revision of the Regulations on Outer Continental Shelf Activities (50 FR 9290). That ANPRM (CGD 84-098) solicited specific comments regarding appropriate standards that should be applied to the various types of vessels used for OCS activities. Some comments were received that addressed liftboats. These comments will be considered with the comments received in response to this rulemaking effort.

Agency Contact: CDR G. R. Speight, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AC63

1606. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None.

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents, by raising the threshold for requiring an accident report from $200 to $500.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA82

1607. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Legal Deadline: None.

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The NPRM for Docket 83-006 is to be published concurrently with the Research and Special Programs Administration (RSPA) undocketed project, RIN 2137-AA10.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1577

RIN: 2115–AB33

1608. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None.

DOT—USCG **Prerule Stage**

Abstract: Requests comments on the International Maritime Organization resolution to require ARPA training for all masters, chief mates, and officers in charge of a navigational watch. Regulatory action may follow depending on public comments.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	

Next Action Undetermined

Small Entity: No

Agency Contact: LCDR Jenkins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0224**

RIN: 2115–AB99

1609. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None.

Abstract: This rulemaking project will implement the provision of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations.

Timetable:

Action	Date	FR Cite
ANPRM	09/30/87	

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-1056**

RIN: 2115–AC27

1610. UNINSPECTED FISH-PROCESSING VESSELS (86-025)

Significance: Nonsignificant

Legal Authority: 46 USC 4502 (a)

CFR Citation: 46 CFR 27

Legal Deadline: None.

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations for uninspected fish processing vessels that enter into service after December 31, 1987 and carry more than 16 persons who are primarily employed in the preparation of fish products.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Undetermined

Agency Contact: LCDR W. J. Morani, Jr., Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-1056**

RIN: 2115–AC34

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

U.S. Coast Guard (USCG)

1611. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by extending coverage of workplace safety rules, by modernizing material standards for fixed platforms, and by specifying training requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/88	

Small Entity: No

Additional Information: CGD 84-098(a) Self-inspection of Fixed OCS Facilities separated from CGD 84-098. CGD 84-098(b) Offshore Evacuation Procedures separated from CGD 84-098.

Analysis: Regulatory Evaluation 05/00/88

Agency Contact: LCDR Cross, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2307**

RIN: 2115–AB74

1612. + OPERATING A VESSEL WHILE INTOXICATED: COMMERCIAL VESSELS (84-099)

Significance: Regulatory Program

Legal Authority: 46 USC 61C1; 46 USC 7701

CFR Citation: 33 CFR 95; 33 CFR 146; 33 CFR 150; 33 CFR 173; 33 CFR 177; 46 CFR 26; 46 CFR 4; 46 CFR 5; 46 CFR 35; 46 CFR 78; 46 CFR 97; 46 CFR 109; 46 CFR 167; 46 CFR 185; 46 CFR 196 to 197

Legal Deadline: None.

Abstract: Proposes (1) to prohibit crewmembers on vessels subject to inspection from performing any duties while intoxicated or within four hours of consuming alcohol, (2) civil penalties for owners, charterers, managing operators, agents, masters or individuals in charge of vessels subject to inspection that allow crewmembers to perform any duties while intoxicated, and (3) to allow personnel licensed, documented or certificated by the Coast Guard to seek rehabilitation prior to being subject to a proceeding to suspend or revoke the license, certificate or document (4) to allow Coast Guard personnel to terminate the use of certain vessels when the operator is under the influence of an intoxicant to the extent that further operation of the vessel creates an unsafe condition (5) to amend the regulations requiring reports of all marine casualties to include specific information on the role of alcohol or drugs in the casualty.

DOT—USCG **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 18902
NPRM Comment Period End	08/21/86	
SNPRM Ext.Comment Period 2/9/87 (52 FR 4116) to	05/11/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/23/86 (51 FR 18902)

Agency Contact: LCDR Wallace / Mr. S. Connaughton, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0214

RIN: 2115-AC23

1613. + OPERATING A VESSEL WHILE INTOXICATED: RECREATIONAL VESSELS (84-099A)

Significance: Regulatory Program

Legal Authority: 46 USC 2302; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701; 46 USC 8105; 49 USC 1.46(b)

CFR Citation: 33 CFR 95

Legal Deadline: None.

Abstract: Solicits public assessment of the appropriateness of a Federal standard for determining whether an individual is operating a recreational vessel while intoxicated.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/86	51 FR 18900
ANPRM Comment Period End	08/21/86	
NPRM	02/09/87	52 FR 4116
NPRM Comment Period End	05/11/87	

Small Entity: No

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AC24

1614. ● + MANDATORY ALCOHOL AND DRUG TESTING FOLLOWING SERIOUS MARINE INCIDENTS INVOLVING COMMERCIAL VESSELS (CGD 86-080)

Significance: Regulatory Program

Legal Authority: 33 USC 1231; 43 USC 1331; 46 USC 6101; 46 USC 6103

CFR Citation: 46 CFR 4; 46 CFR 16

Legal Deadline: None.

Abstract: This notice proposes regulations which would: 1) require the owner, charterer, managing operator, agent, master, or person in charge of a commercial vessel (designated the "marine employer") to obtain blood, urine, and breath samples as appropriate from persons directly involved in certain serious marine incidents, within prescribed time limits; 2) define the serious marine incident criteria for which this requirement would be applicable; 3) require the marine employer to ship blood and urine samples to a laboratory designated by the Coast Guard for appropriate chemical analysis; and, 4) establish procedures regarding accountability for and processing of blood and urine samples from the time of sampling to the time of receipt of samples at the laboratory. The Coast Guard believes that these proposed regulations are necessary to better identify the extent of alcohol and drug involvement as primary or contributing causes of serious incidents, i.e., those which result in death, injury or significant property or environmental damage; to emphasize the seriousness with which the Federal Government views the problems of alcohol and drug use and abuse in the marine (cont.)

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	
NPRM Comment Period End	09/01/87	

Small Entity: No

Additional Information: ABSTRACT CONT: transportation field; to establish a stronger and more effective deterrent to alcohol and drug use aboard or in connection with commercial vessels; and to provide more reliable information upon which to base enforcement actions.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR David F. Wallace, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2215

RIN: 2115-AC62

1615. + QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS: TANKERMAN REQUIREMENTS (79-116)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None.

Abstract: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because of passage of the Port and Tanker Safety Act of 1978 and the fact that the International Convention on the Standards for Training, Certification and Watchkeeping for Seafarers of 1978 entered into force on April 28, 1984. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	

Next Action Undetermined

Small Entity: Yes

Additional Information: Dockets No. CGD 79-116 and 79-116a (45 FR 83290 and 45 FR 83268). Environmental Analysis and Inflationary Impact Statement completed February 1977. Extensive comments were received on the April 25, 1977 NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980.

Agency Contact: Mr. C. Heizer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0226

RIN: 2115-AA03

1616. + VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE COMMUNICATIONS ON THE GREAT LAKES (84-040)

Significance: Agency Priority

Legal Authority: 33 USC 1201; 33 USC 1202; 33 USC 1203; 33 USC 1204; 33 USC 1205; 33 USC 1206; 33 USC 1207; 33 USC 1208

CFR Citation: 33 CFR 26

Legal Deadline: None.

Abstract: Recreational boat use of Channel 16, a distress and safety frequency on the Great Lakes, has become so great that commercial vessels have been having difficulty communicating navigational information. The Coast Guard is considering making modifications to the existing radiotelephone requirements. Draft changes have been exchanged between the Canadian and U.S. Coast Guards to change the technical regulations of the Great Lakes Radio agreement. Review and re-exchange of drafts currently being considered. Both governments agree on channel 13. Sequential monitoring will not be accepted by either government as filling the requirements of a "continuous watch." Which size and type of vessels that will be required to monitor channel 13 needs to be clarified.

Timetable:

Action	Date	FR Cite
Request for comments	07/06/84	49 FR 27786
NPRM	09/15/87	

Small Entity: No

Additional Information: Project Active. Draft changes to agreement being considered by both governments, after which diplomatic notes will be exchanged.

Agency Contact: LTJG Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0362**

RIN: 2115-AB89

1617. ● + DRUG DETECTION FOR MERCHANT MARINE PERSONNEL (CGD 86-067)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 7101; 46 USC 7301; 46 USC 7701; 49 CFR 1.46

CFR Citation: 46 CFR 5; 46 CFR 16

Legal Deadline: None.

Abstract: The purpose of this proposal is to eliminate safety risks posed by the use of dangerous drugs by merchant marine personnel. The option being considered is a requirement that individuals applying for licenses, certificates of registry, and merchant mariners' documents provide the results of drug tests before issuance or renewal. The proposal will also address random drug-testing programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. S. T. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0214**

RIN: 2115-AC45

1618. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None.

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1444**

RIN: 2115-AA08

1619. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 46 USC App 86; 46 USC App 88; 46 USC 367; 49 CFR 1.46

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174

Legal Deadline: None.

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. Requirements for load line and stability are promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	07/00/87	

Small Entity: No

Additional Information: Comments received on NPRM were substantial and raised additional technical questions. More than three years passed since NPRM. Therefore, SNPRM is being prepared, and then a final rule will be issued.

Analysis: Draft Evaluation 07/00/87

Agency Contact: Mrs. June Keller, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2988**

RIN: 2115-AA11

1620. DEFECT NOTIFICATION AND FIRST-PURCHASER INFORMATION (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None.

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many

manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Analysis: Regulatory Evaluation 12/29/80 (45 FR 85475)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115-AA16

1621. MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None.

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extension	03/21/85	50 FR 11397
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA17

1622. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN, INSPECTION, TESTING, AND OPERATION (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None.

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21378
SNPRM	07/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0175

RIN: 2115-AA34

1623. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would provide specific rules for function, size, and placement of stability appendages.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1558
NPRM Comment Period End	04/11/85	
Extension of Comment Period	07/05/85	50 FR 37628
SNPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 80-113. Comment period extended to 10/14/85.

Analysis: Regulatory Evaluation 01/11/85 (50 FR 1538)

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA50

1624. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Legal Deadline: None.

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	06/00/87	

Small Entity: No

Additional Information: The Subcommittee on Ship Design and Equipment, IMO, completed action on this item in May 1986 and the results are being included in the NPRM.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. P. Cojeen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AA53

1625. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine Inspectors being present.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	08/14/86	51 FR 29117
Public Meeting	01/27/87	51 FR 45783
ANPRM Comment Period End	02/10/87	
NPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA57

1626. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None.

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Agency Contact: Mr. C. Perry, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115-AA58

1627. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None.

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	01/00/88	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Docket No. CGD 81-087.

Project being reevaluated.

Agency Contact: R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA70

1628. OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Nonsignificant

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Legal Deadline: None.

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	06/00/87	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: LT. B. Russell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA77

1629. GENERAL REVISIONS OF POLLUTION-PREVENTION REGULATIONS FOR TANKERS (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None.

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Analysis: Regulatory Evaluation 12/01/87

Agency Contact: LT W. P. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1465

RIN: 2115-AA88

1630. HAND-HELD FLASHLIGHTS: INDEPENDENT INSPECTION AGENCIES (82-042)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight-approval specification.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Additional Information: The Coast Guard is working toward development of an industry consensus standard. The proposal will be terminated if this effort is successful.

Agency Contact: Mr. T. Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA91

1631. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None.

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: Mr. C. B. Mosher, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0350

RIN: 2115-AA92

1632. SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would revise the standards for self-propelled vessels carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. 82-058.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA95

1633. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None.

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 07/01/87

Agency Contact: CDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1055

RIN: 2115-AB21

1634. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I; 46 CFR Subchapter V

Legal Deadline: None.

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: Dr. A. Schneider, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2997

RIN: 2115-AB36

1635. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS – INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None.

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AB41

1636. HAZARDOUS MATERIALS USED AS SHIP'S STORES ONBOARD VESSELS (84-044)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 2; 46 CFR 31; 46 CFR 34; 46 CFR 58; 46 CFR 71; 46 CFR 76; 46 CFR 91; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 147; 46 CFR 167; 46 CFR 176; 46 CFR 181; 46 CFR 189; ...

Legal Deadline: None.

Abstract: Would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ship's Stores

and adopting the classification and identification provisions found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials. It would also eliminate requirements for materials no longer in use and delete Table S.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/87

Agency Contact: Mr. C. Rivkin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AB65

1637. OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Legal Deadline: None.

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78 (Marine Pollution Prevention).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Ms. L. Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1071

RIN: 2115-AB66

1638. LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 157; 46 CFR 10.07

Legal Deadline: None.

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would require first class pilots to have experience on vessels of more that 40,000 gross tons in order to be authorized to pilot vessels of more than 50,000 gross tons; and allow a written test alternative to the chart sketch for a first-class pilot's license restricted to tug and barge only.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04.

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0217

RIN: 2115-AB67

1639. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Legal Deadline: None.

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1577

RIN: 2115-AB69

1640. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None.

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 01/00/88

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB70

1641. LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None.

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	05/00/87	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1444**

RIN: 2115-AB72

1642. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None.

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	07/00/88	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/88

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2307**

RIN: 2115-AB88

1643. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None.

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1217**

RIN: 2115-AB92

1644. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 2104; 46 USC 7301; 46 USC 7302; 46 USC 7303; 46 USC 7304; 46 USC 7305; 46 USC 7306; 46 USC 7307; 46 USC 7308; 46 USC 7309; 46 USC 7310

CFR Citation: 46 CFR 12

Legal Deadline: None.

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	
NPRM	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/87

Agency Contact: Mr. S. Connaughton, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0214**

RIN: 2115-AC02

1645. INLAND WATERWAY NAVIGATION REGULATIONS; ALL WATERS TRIBUTARY TO THE GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None.

Abstract: Proposes to revise and update the inland waterways navigation regulations for the Gulf Intercoastal Waterway from St. Marks, Fla. to the Rio Grande River.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Mr. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0404**

RIN: 2115-AC03

1646. DELEGATION OF AUTHORITY TO UNITED STATES CLASSIFICATION SOCIETIES (85-019)

Significance: Nonsignificant

Legal Authority: 46 USC 3316

CFR Citation: 46 CFR 2

Legal Deadline: None.

Abstract: The Coast Guard, under 46 U.S.C. 3316, delegates plan review and inspection to the American Bureau of Shipping. Other classification societies have requested similar acceptance. The proposed advance notice solicited information on what criteria should be used to determine who will be allowed to work on the Coast Guard's behalf.

Timetable:

Action	Date	FR Cite
ANPRM	10/03/85	50 FR 40413
ANPRM Comment Period End	01/03/86	
NPRM	12/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/01/87

Agency Contact: CDR Tweedie, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1056**

RIN: 2115-AC10

1647. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

DOT—USCG

Proposed Rule Stage

Legal Deadline: None.

Abstract: This rulemaking would update the 30 year old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/30/86

Agency Contact: Mr. W. Boyce, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2997

RIN: 2115–AC13

1648. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151

Legal Deadline: None.

Abstract: This rulemaking proposes revising inspection intervals for Pressure Vessel Cargo Tanks. An ANPRM was issued seeking public and industry views on the adequacy of present intervals and suggested intervals.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	06/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/01/87

Agency Contact: LT Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115–AC18

1649. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None.

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115–AC20

1650. SUBCHAPTER "T" TITLE 46, GENERAL UPDATES AND REVISIONS (85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175; 46 CFR 176; 46 CFR 177; 46 CFR 178; 46 CFR 179; 46 CFR 180; 46 CFR 181; 46 CFR 182; 46 CFR 183; 46 CFR 184; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals and drydocking intervals.

Timetable:

Action	Date	FR Cite
NPRM	10/01/87	

Small Entity: Yes

Analysis: Regulatory Evaluation 10/01/87

Agency Contact: LT. W.P. Cummins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115–AC22

1651. 46 CFR SUBCHAPTER 1. EDITORIAL REVISIONS AND CORRECTIONS (86-033)

Significance: Nonsignificant

Legal Authority: 46 USC 170

CFR Citation: 46 CFR 140 to 155

Legal Deadline: None.

Abstract: This proposed rule would correct or remove outdated cross-references and statutory citations related to the transportation of hazardous materials throughout 46 CFR Chapter 1.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Additional Information: Project entails replacement of words "46 CFR" with "49 CFR" with necessary revised lead-ins.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593, 202 267-1577

RIN: 2115–AC28

1652. HAZARDOUS SUBSTANCES POLLUTION PREVENTION (86-034)

Significance: Nonsignificant

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 154 to 156

Legal Deadline: None.

Abstract: This regulatory project will apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Yes

Agency Contact: M. Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0491

RIN: 2115–AC29

1653. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None.

Abstract: This proposal will update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: Yes

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC30

1654. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None.

Abstract: This proposal will revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Yes

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC32

1655. U.S. AID TO NAVIGATION SYSTEMS (86-031)

Significance: Nonsignificant

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92; 14 USC 93; 14 USC 633

CFR Citation: 33 CFR 62

Legal Deadline: None.

Abstract: This regulation would amend 33 CFR Part 62 - United States Aid to Navigation Systems -- to include the International Association of Lighthouse Authorities System.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: LTJG Wulfkuhle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-0346

RIN: 2115-AC33

1656. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115; HR 1362

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None.

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
NPRM	03/05/88	

Small Entity: Undetermined

Agency Contact: Mr. Frank Perrini, Naval Architect, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-2988

RIN: 2115-AC37

1657. ● SELF-INSPECTION OF FIXED OCS FACILITIES (CGD 84-098(A))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d)(1); 43 USC 1348(c); 43 USC 1356; 43 USC 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 143

Legal Deadline: None.

Abstract: Would modify 33 CFR Subchapter N by requiring owners/operators of fixed OCS facilities to conduct an annual inspection for compliance with Coast Guard regulations and report the results of the self-inspection to the Coast Guard on a Coast Guard-provided form. This proposal would shift to the industry, at an estimated cost of $.53M, a function that would require a government expenditure of $.76M. Increased oversight inspections to ensure program reliability would require government expenditures estimated to be initially $.19M. This proposal minimizes cost to the industry and, by allowing available Coast Guard resources to be concentrated in critical areas, would improve safety in the OCS.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/87	

Small Entity: No

Additional Information: CGD 84-098(a) Self-Inspection of Fixed OCS Facilities separated from CGD 84-098 on 28 Mar. 1986.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR Cross, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2307

RIN: 2115-AC40

1658. ● OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356; 49 CFR 1.46(z)

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Statutory, September 1, 1987. Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: Would modify 33 CFR Subchapter N to require evacuation procedures for all OCS facilities on the U.S. OCS. This would apply to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. An alternative being considered is the mandatory use of stand-by boats.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
ANPRM Comment Period End	09/03/85	50 FR 20445
NPRM	05/00/87	

Small Entity: No

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098.

Analysis: Regulatory Evaluation 05/00/87

Agency Contact: LCDR Cross, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2307

RIN: 2115-AC41

1659. ● NAVIGATION BRIDGE VISIBILITY (CGD 85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None.

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. Edward J. LaRue, Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0416

RIN: 2115-AC42

1660. ● FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None.

Abstract: Update approval specifications for portable and semi-portable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels. Update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC43

1661. ● SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: This project is to establish U.S. Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: No

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, the projects may not be completed in numerical order, and many cannot be given estimated completion dates.

Analysis: Regulatory Evaluation 07/00/88

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC46

1662. ● SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifeboats and rescue boats meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 12/00/87

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC47

1663. ● SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention.

DOT—USCG **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Analysis: Regulatory Evaluation

Agency Contact: Ms. Lissa Martinez, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC48

1664. ● SOLAS 74/83 REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for pyrotechnic distress signals meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AC49

1665. ● SOLAS 74/83 REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC50

1666. ● SOLAS 74/83 REVISION TO INFLATABLE LIFERAFT APPROVAL (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC51

1667. ● SOLAS 74/83 REVISION OF HYDRAULIC RELEASE DEVICE APPROVAL REQUIREMENTS (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC52

1668. ● SOLAS 74/83 REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115-AC53

1669. ● SOLAS 74/83 RADAR REFLECTOR APPROVAL REQUIREMENTS (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC54

1670. ● SOLAS 74/83 REVISION OF LIFEBUOY APPROVAL REQUIREMENTS (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Samuel Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC55

1671. ● SOLAS 74/83 REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None.

Abstract: Establish U.S. Coast Guard approval requirement for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Next action will be determined when a project manager is assigned.

Agency Contact: Mr. Stearns Whitney, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC56

1672. ● ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None.

Abstract: This revision to 33 CFR 160 Subpart C would require advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival.

Timetable:

Action	Date	FR Cite
NPRM	10/30/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/30/87

Agency Contact: Mr. M. Fell, Office of Marine Safety, Security and, Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0475

RIN: 2115–AC58

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1673. + INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Significance: Regulatory Program

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 169; 46 CFR 189

Legal Deadline: None.

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard has proposed to extend the interval between drydockings because extension of the interval can result in significant savings to vessel operators without diminishing overall vessel safety. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
ANPRM Comment Period End	08/02/84	
NPRM	05/30/86	51 FR 19720
Correction	06/09/86	51 FR 20847
NPRM Comment Period End	09/30/86	51 FR 29116
Interim Final Rule	07/01/87	

Small Entity: Yes

Additional Information: Regulatory Evaluation will be completed at same time as final rule.

Analysis: Regulatory Evaluation 00/00/00

Agency Contact: LT Powers, Department of Transportation, U.S.

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1464**

RIN: 2115-AB58

1674. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: LTJG K. Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0412**

RIN: 2115-AA39

1675. + LICENSING OF MARITIME PERSONNEL (CGD 81 - 059)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114

CFR Citation: 46 CFR 10; 46 CFR 35; 46 CFR 157; 46 CFR 175; 46 CFR 185; 46 CFR 186; 46 CFR 187

Legal Deadline: None.

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far-reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
NPRM Supplemental	10/24/85	50 FR 43316
Interim Final Rule	07/30/87	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703; Comment period runs until 02/21/86. Public hearings held in Washington, D.C.; New York, New York; Seattle, Washington; San Francisco, California; and New Orleans, Louisiana.

Analysis: Regulatory Evaluation 08/08/83 (48 FR 35920)

Agency Contact: LCDR Jenkins, Program Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0224**

RIN: 2115-AA64

1676. + SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Legal Deadline: None.

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30241
NPRM Comment Period End	10/24/86	
Final Action	08/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 08/00/87

Agency Contact: LCDR D. B. Crawford, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1217**

RIN: 2115-AB60

1677. ● + IMPLEMENTATION OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) (CGD 86-082)

Significance: Agency Priority

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 3; 33 CFR 80; 33 CFR 100; 33 CFR 110; 33 CFR 147; 33 CFR 150; 33 CFR 161; 33 CFR 162; 33 CFR 165; 33 CFR 166; 33 CFR 167; 33 CFR 177

Legal Deadline: None.

Abstract: By NAD 83, geologists changed the datum used to calculate points of latitude and longitude. Geographic positions listed in 33 CFR are referenced to horizontal datums rather than NAD 83. Implementation of NAD 83 makes these positions incorrect. Because the positions, which are used in charts and for aids to navigation, are now incorrect, there is an increased chance for groundings, marine accidents, and misinterpretation of Coast Guard boundaries and areas of search and rescue responsibilities. All Coast Guard districts were advised of this issue on December 12, 1986. Mariners were then informed through Notices to Mariners published by the respective districts.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Mr. F. L. Parker, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0357**

RIN: 2115-AC44

1678. CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None.

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including

the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	03/14/85	50 FR 10264
Final Action	06/00/87	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Draft Regulatory Evaluation 03/14/85 (50 FR 10264)

Agency Contact: Ms. K. Barylski, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1217

RIN: 2115-AA00

1679. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1225

CFR Citation: 33 CFR 127

Legal Deadline: None.

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Research and Special Programs Administration.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
ANPRM Supplementary	03/08/79	44 FR 12693
NPRM	05/16/86	51 FR 18276
Final Action	06/00/87	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 05/16/86 (51 FR 18276)

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0491

RIN: 2115-AA22

1680. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: Would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
Final Action	07/00/88	

Small Entity: No

Additional Information: Docket No. CGD 78-174. Two additional projects split from this one. They are listed in this Agenda as CGD 78-174a, Carriage and Operational Requirements for Hybrid PFDs and CGD 78-174b, Carriage and Operational Requirements for Inflatable Life Jackets. Entries for these projects follow in the agenda.

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA29

1681. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None.

Abstract: Proposed standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AA45

1682. AUTOMATED AND REMOTE-CONTROL MONITORING OF VITAL SYSTEMS (81-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 52; 46 CFR 56; 46 CFR 58; 46 CFR 61; 46 CFR 62; 46 CFR 110; 46 CFR 111; 46 CFR 113

Legal Deadline: None.

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 Safety of Life at Sea (SOLAS) Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circulars on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	09/23/85	50 FR 38608
NPRM Comment Period End	02/21/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

NPRM comment period closed 21 Feb, 1986.

Analysis: Regulatory Evaluation 09/23/85 (50 FR 38608)

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AA59

1683. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

DOT—USCG **Final Rule Stage**

CFR Citation: 33 CFR 115

Legal Deadline: None.

Abstract: Would establish the general bridge-permit program.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Agency Contact: Mr. Mark Thompson, Env. Protection Specialist, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2680**

RIN: 2115-AA61

1684. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0415**

RIN: 2115-AA97

1685. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/87 to 04/88.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/88	

Small Entity: No

Agency Contact: Mr. M. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0415**

RIN: 2115-AA98

1686. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Significance: Nonsignificant

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Legal Deadline: None.

Abstract: This item will define the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period End	10/15/84	49 FR 35967
Final Action	06/01/87	

Small Entity: Undetermined

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84 (49 FR 28744)

Agency Contact: Mr. T. L. Willis, Merchant Vessel Inspection and Documentation Division, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1492**

RIN: 2115-AB27

1687. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None.

Abstract: Proposed requirements for the use of liquefied flammable gas and compressed natural gas and cooking fuels.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Final Action	06/01/87	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: Cdr Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1055**

RIN: 2115-AB35

1688. ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Legal Deadline: None.

Abstract: This proposal would eliminate duplicative regulations and clarify language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39729
NPRM Comment Period End	11/29/85	50 FR 39729
Final Action	04/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39729)

Agency Contact: Mr. John M. Kinsey, Department of Transportation, U.S.

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2997**

RIN: 2115-AB68

1689. LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113; 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None.

Abstract: This project resulted from comments received on Coast Guard proposed rulemaking 81-59, Licensing of Officers and Motorboat Operators and Registration of Staff Officers which is contained in this agenda under another listing. The comments suggested that licensing of officers on Mobile Offshore Drilling Units be discussed in a separate rulemaking. This project is the result of those suggestions; it would establish licensing requirements for officers on Mobile Drilling Units.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	07/30/87	

Small Entity: No

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Officers and Motorboat Operators and Registration of Staff Officers, which is listed elsewhere in this agenda with the RIN 2115-AA64.

Analysis: Regulatory Evaluation 10/24/85 (50 FR 43316)

Agency Contact: LCDR Jenkins, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0224**

RIN: 2115-AB91

1690. MARPOL POLLUTION PREVENTION REGULATIONS (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None.

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
Final Action	06/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 09/13/85; Environmental Assessment 09/13/85

Agency Contact: LCDR Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0421**

RIN: 2115-AC11

1691. CARRIAGE AND OPERATIONAL REQUIREMENTS FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None.

Abstract: This rulemaking proposes approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
Final Action	12/00/87	

Small Entity: No

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; establishment of Approval Requirements 178 1741 (RIN: 2115-AA29). This rule (RIN 2115-AA29) was published as an interim final rule (50 FR 33923).

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Agency Contact: Mr. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1444**

RIN: 2115-AC16

1692. HEALD BANK CUTOFF SAFETY FAIRWAY (85-062)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: A study of port access in the Galveston area shows the need for a new fairway for deep draft vessels in the vicinity of Heald Bank. This proposal would establish that fairway.

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7814
NPRM Comment Period End	05/05/86	
Final Action	05/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/06/86 (51 FR 7814)

Agency Contact: LTJG Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0364**

RIN: 2115-AC19

1693. BERWICK BAY VESSEL TRAFFIC SERVICE (85-076)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: This rulemaking would replace currently used categorical horsepower-tow length requirements with stricter straight-line ratio requirements which have proven effective in preventing tow/bridge collisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 806
Final Action	08/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 01/09/87 (52 FR 806)

Agency Contact: Mr. M. Powers, Department of Transportation, U.S.

DOT—USCG **Final Rule Stage**

Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0415**

RIN: 2115-AC21

1694. COMPATIBILITY OF CARGOES (86-100)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 150; 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u)

Legal Deadline: None.

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action.

Timetable:

Action	Date	FR Cite
NPRM	12/08/86	48 FR 44182
NPRM Comment Period End	01/08/87	
Final Action	05/00/87	

Small Entity: Yes

Agency Contact: Mr. M. Parnarouskis, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-1577**

RIN: 2115-AC35

1695. BOATING SAFETY; FUEL SYSTEM STANDARD (85-098)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183.1; 33 CFR 183.5; 33 CFR 183.505; 33 CFR 183.528; 33 CFR 183.532; 33 CFR 183.540; 33 CFR 183.558; 33 CFR 183.568; 33 CFR 183.590

Legal Deadline: None.

Abstract: This rule would require gasoline fuel hose installed in new recreational boats to meet performance requirements of SAE Standard J1527DEC 85 instead of SAE Standard J30C. The change reflects safety questions about the effects increasing levels of aromatics and alcohols in fuels have on permeation rates and longevity of hose meeting SAE Standard J30C.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	51 FR 9689
Final Action	04/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 03/20/86 (51 FR 9689)

Agency Contact: Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC36

1696. GREAT LAKES PILOTAGE RATES (86-020)

Significance: Nonsignificant

Legal Authority: 46 USC 8105, 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401

Legal Deadline: None.

Abstract: This proposal would amend the Great Lakes Pilotage Regulations to cause pilotage rates in Districts 1 and 3 to increase by 13% and 6% respectively, to meet pilot needs to cover increased costs; no increase is proposed for District 2.

Timetable:

Action	Date	FR Cite
NPRM	05/22/86	51 FR 18806
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Mr. John Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-0217**

RIN: 2115-AC38

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1697. + WORKPLACE SAFETY AND HEALTH REQUIREMENTS FOR FACILITIES ON THE OUTER CONTINENTAL SHELF (79-077)

Significance: Regulatory Program

Legal Authority: 43 USC 1333; 43 USC 1347

CFR Citation: 33 CFR 142

Legal Deadline: None.

Abstract: This regulation develops occupational safety and health standards for personnel working on OCS facilities.

Timetable:

Action	Date	FR Cite
Notice of Meeting	03/05/81	46 FR 15402
Correction of Notice	03/19/81	46 FR 17702
NPRM	01/09/84	49 FR 1085
Correction	02/20/84	49 FR 7253
Final Action	07/10/86	51 FR 25054
Final Rule; Correction	08/07/86	51 FR 28381
Final Action Effective	01/12/87	

Small Entity: Yes

Additional Information: Docket No. CGD 79-077.

This action is taken in concert with OSHA.

Analysis: Regulatory Evaluation 01/09/84 (49 FR 1085)

Agency Contact: Mr. A. Penn, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2307**

RIN: 2115-AA35

1698. REVIEW: VESSEL REPORTING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 391a

CFR Citation: 33 CFR 160

Legal Deadline: None.

Abstract: These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals, and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations have

been reviewed because of their controversy and impact on the barge and towing industry. The information from advance notice of arrival regulations is a basis for Coast Guard management of vessel movements within U.S. ports and waterways. Consequently, these regulations are deemed appropriate and the priority review is considered complete.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	01/28/87	

Small Entity: No

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0491**

RIN: 2115–AB28

1699. DAMAGE STABILITY AND FLOODING PROTECTION STANDARDS FOR GREAT LAKES BULK DRY CARGO VESSELS (80-159)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 6101; 46 USC 8105; 50 USC 198; 46 CFR 1.46 (b), (m), (z); 46 USC 1333 (d); 46 App USC 86; 46 App USC 88a; EO 12234, 45 FR 58801; 46 USC 3703

CFR Citation: 46 CFR 97; 46 CFR 170; 46 CFR 172

Legal Deadline: None.

Abstract: Requires a level of subdivision for new ships based on damage experienced by Great Lakes vessels. Reduces the risk of catastrophic sinking and increases the time available to utilize recently improved survival gear.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/83	48 FR 8312
NPRM	11/07/85	50 FR 46315
NPRM Comment Period End	01/06/86	50 FR 46315
Final Action	09/18/86	51 FR 33056
Final Action Effective	11/17/86	

Small Entity: No

Additional Information: Docket No. CGD 80-159.

Analysis: Regulatory Evaluation 11/07/85 (50 FR 46315)

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-2988**

RIN: 2115–AA01

1700. RECEPTION FACILITIES (78-035)

Significance: Nonsignificant

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 158; 33 CFR 151

Legal Deadline: None.

Abstract: Requires ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
NPRM	06/19/84	49 FR 25196
Interim Final Rule	09/09/85	50 FR 36768
Interim Final Rule	09/09/85	50 FR 36768
Final Action Affirmation of Interim Final Rule.	09/18/86	51 FR 33037
Final Action Effective	09/18/86	

Small Entity: Yes

Additional Information: See also the entry under Coast Guard Docket Number 85-010 elsewhere in this agenda, RIN AC08.

Analysis: Regulatory Evaluation 09/09/85 (50 FR 36768)

Agency Contact: Lt. T. Mallon, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0491**

RIN: 2115–AA21

1701. TANK VESSELS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK; POLLUTION PREVENTION AND CONTROL, EQUIPMENT AND OPERATIONAL REQUIREMENTS (81-101)

Significance: Nonsignificant

Legal Authority: 33 USC 1903(b)

CFR Citation: 46 CFR 153; 46 CFR 151

Legal Deadline: None. Effective date of MARPOL ANNEX II (Marine Pollution Prevention) is April 1987, by which time the implementing regulations should have been published.

Abstract: Restricts the discharge of noxious liquid substances made by chemical tankers.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/82	48 FR 1519
NPRM	09/26/86	46 FR 34350
NPRM Comment Period End	11/24/86	
Final Action	03/12/87	52 FR 7765
Final Action Effective	04/06/87	

Small Entity: No

Additional Information: Docket No. CGD 81-101.

Analysis: Regulatory Evaluation 09/00/86 (46 FR 34350)

Agency Contact: Mr. R. M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1217**

RIN: 2115–AA73

1702. FAIRWAYS ON THE SOUTHERN COAST OF ALASKA (81-103)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Legal Deadline: None.

Abstract: This rule established fairways on the southern coast of Alaska implementing the result of a Port Access Route Study.

Timetable:

Action	Date	FR Cite
NPRM	02/06/86	51 FR 4615
NPRM Comment Period End	05/06/86	
Final Action	12/02/86	51 FR 43347
Final Action Effective	01/02/87	51 FR 43347

Small Entity: No

Additional Information: Docket No. CGD 81-103.

Analysis: Regulatory Evaluation 02/00/86 (51 FR 4615)

Agency Contact: LTJG D. Reese, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0364**

RIN: 2115–AA74

1703. SUBCHAPTER "D" & "O" BARGES - INTERNAL INSPECTIONS (82-005)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 151

Legal Deadline: None.

Abstract: The drydocking regulatory project (CGD 84-024/RIN 2115-AB58) will harmonize the drydocking and internal inspection intervals for barges carrying Subchapter D products. Modifications of the internal inspection intervals of gravity tanks on vessels carrying Subchapter O Products will be accomplished as part of CGD 81-082 (RIN 2115-AA70).

Timetable:

Action	Date	FR Cite
Action Terminated	12/17/86	

Small Entity: No

Additional Information: Docket No. CGD 82-005.

Agency Contact: Lt. Powers, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1464

RIN: 2115-AA78

1704. INDEPENDENT LABORATORY INSPECTION OF LIFESAVING EQUIPMENT (83-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 159; 46 CFR 160

Legal Deadline: None.

Abstract: This project has been combined with Dockets 85-201/RIN AC47, 85-205/RIN AC51, and 85-207/RIN AC53.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	49 FR 38151
NPRM Comment Period End	12/26/84	
Withdrawn	03/31/86	51 FR 10890

Small Entity: No

Additional Information: Docket No. CGD 83-030.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 38151)

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1444

RIN: 2115-AB38

1705. EDITORIAL CHANGES TO TITLE 46 CFR RESULTING FROM P.L. 98-89 (83-067)

Significance: Nonsignificant

Legal Authority: PL 98-89

CFR Citation: 46 CFR Chapter 1

Legal Deadline: None.

Abstract: Would amend Title 46, CFR to reflect 46 U.S.C. citations for marine safety laws consolidated and reenacted by P.L. 98-89.

Timetable:

Action	Date	FR Cite
First Rule	10/04/84	49 FR 39161
Second Rule	01/11/85	50 FR 1524
Action terminated	12/17/86	

Small Entity: No

Additional Information: Docket No. CGD 83-067.

Authority citations are being changed only when the regulations are being amended, and there is no need for a separate project.

Analysis: Regulatory Evaluation 10/04/84 (49 FR 39161)

Agency Contact: CDR Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1055

RIN: 2115-AB54

1706. MOBILE OFFSHORE DRILLING UNIT OPERATING MANUAL REQUIREMENTS (83-071)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter I-A; 46 CFR 109; 46 CFR 170; 46 CFR 174; 46 CFR Subchapter S; 46 CFR 107

Legal Deadline: None.

Abstract: This project amends the information required to be addressed in Mobile Offshore Drilling Unit (MODU) Operating Manuals. Investigative reports on the sinkings of the MODUs Ocean Ranger and Glomar Java Sea recommended that the regulations for MODU operating manuals be more precise and arranged in a manner that is easily understood by operating personnel. Feedback from Coast Guard and industry personnel on improving operating manuals was being considered. The overall effect of this project is to enable the operating manual to be more useful to operating personnel.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22836
NPRM	09/30/85	50 FR 39734
NPRM Comment Period End	11/09/85	50 FR 39734
Final Action	03/06/87	52 FR 6974
Final Action Effective	06/04/87	

Small Entity: No

Additional Information: Docket No. CGD 83-071.

Analysis: Regulatory Evaluation 09/30/85 (50 FR 39734)

Agency Contact: LT. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2206

RIN: 2115-AB56

1707. EXCEPTION OF UNMANNED BARGES FROM COLREGS VERTICAL SECTOR LIGHT REQUIREMENTS (84-049)

Significance: Nonsignificant

Legal Authority: 33 USC 180; 33 USC 258; 33 USC 322

CFR Citation: 33 CFR 81

Legal Deadline: None.

Abstract: Annex I of the International Regulations for Preventing Collisions at Sea, 1972. (COLREGS), contains technical requirements for navigation lights on vessels which proceed beyond the COLREGS demarcation lines. Lights on unmanned barges may not be able to meet the vertical sector requirements due to lack of electricity-producing equipment on board these vessels. The Coast Guard considered exempting unmanned barges from the requirements, and addressed this matter at IMO. The general consensus of that body was to handle the issue through alternative compliance as provided in rule 1 of the COLREGS. Because of this, the Coast Guard is no longer considering a permanent exemption. The industry will be advised to meet the requirements or apply for alternative compliance as provided for in 33 CFR 81.

Timetable:

Action	Date	FR Cite
Request for Comments	07/06/84	49 FR 27786
Begin Review	07/01/86	
Action terminated	12/09/86	
End Review	12/09/86	

Small Entity: No

Additional Information: The Coast Guard is no longer considering granting a permanent exemption from meeting the vertical sector requirements for navigation lights on unmanned barges operating on COLREG waters. Unmanned barges will either be required to meet the vertical sector requirements or obtain a certificate of alternative compliance as provided for in 33 CFR 81.

Agency Contact: LTJG E. Zacharias, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0362**

RIN: 2115–AB90

1708. LIFESAVING EQUIPMENT: IMMERSION SUITS (84-069A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3102

CFR Citation: 46 CFR 160

Legal Deadline: None.

Abstract: This proposal is a sub-project to Coast Guard docket 84-069, Lifesaving Equipment. This rule will incorporate the provisions of international agreement (SOLAS) into Coast Guard regulations concerning immersion suits.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4401
NPRM Comment Period End	05/05/86	51 FR 4401
Final Action	01/12/87	52 FR 1185
Final Action Effective	04/13/87	52 FR 1185

Small Entity: No

Additional Information: This proposal is split off from CGD 84-069, Lifesaving Equipment (RIN: 2115-AB72).

Analysis: Regulatory Evaluation 02/04/86 (51 FR 4401)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-1444**

RIN: 2115–AB98

1709. PUGET SOUND: VESSEL TRAFFIC SERVICE (85-092)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161

Legal Deadline: None.

Abstract: This amendment updates the reporting requirements to reflect the Vessel Traffic Center's (VTC) increased radar coverage capabilities; clarifies the wording throughout the regulations; and reorganizes and rewords the regulations to make them compatible with the proposed joint U.S. - Canada Vessel Traffic Management regulations for the Pacific Region which will apply to waters adjacent to those covered by those regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/12/86	51 FR 32489
NPRM Comment Period End	11/12/86	
Final Action	03/13/87	52 FR 7856
Final Action Effective	04/12/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/12/86 (51 FR 32489)

Agency Contact: LTJG Bradley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0412**

RIN: 2115–AC01

1710. TYPE A AND B FUEL HOSE IN THE FUEL SYSTEMS STANDARD (85-098)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1456; 46 USC 1488

CFR Citation: 33 CFR 183

Legal Deadline: None.

Abstract: This rulemaking would require recreational boats to use fuel lines resistant to permeation by methanol.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	51 FR 9689
NPRM Comment Period End	06/18/86	
Duplicative Action; see RIN 2115 AC36.	12/15/86	

Small Entity: No

Additional Information: THIS IS A DUPLICATE OF RIN 2115-AC36.

Analysis: Regulatory Evaluation 03/20/86 (51 FR 9689)

Agency Contact: Mr. Gray, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0995**

RIN: 2115–AC04

1711. BOATING SAFETY; CERTIFICATION AND SAFE POWERING STANDARDS (85-002)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 181.1; 33 CFR 181.5; 33 CFR 181.15; 33 CFR 183.1; 33 CFR 183.3; 33 CFR 183.53

Legal Deadline: None.

Abstract: This rulemaking established an optional performance test method as an alternative to the existing calculation method for determining the maximum horsepower capacity of small outboard runabouts less than 13 feet in length which meet other special criteria.

Timetable:

Action	Date	FR Cite
ANPRM	03/21/85	50 FR 11383
ANPRM Comment Period End	05/09/85	
Extension of Comment Period to 06/09/85	05/23/85	50 FR 21311
NPRM	05/29/86	51 FR 19364
NPRM Comment Period End	07/29/86	
Final Action	11/23/86	51 FR 37572
Final Action Effective	08/01/87	51 FR 37572

Small Entity: No

Analysis: Regulatory Evaluation 11/23/86 (51 FR 37572)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC07

1712. CONTROL OF RESIDUES AND MIXTURES CONTAINING OIL OR NOXIOUS LIQUID SUBSTANCES (85-010)

Significance: Nonsignificant

Legal Authority: 33 USC 1901 to 1911

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None.

Abstract: This rulemaking would set procedures and standards for certification of chemical-waste reception facilities.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
ANPRM Comment Period End	06/23/83	
NPRM	09/26/86	51 FR 34332
NPRM Comment Period End	11/10/86	
Final Action	03/12/87	52 FR 7744
Final Action Effective	04/06/87	

Small Entity: No

Additional Information: This project was split out from Coast Guard Docket 78-035 Reception Facilities (RIN 2115-AA21) listed elsewhere in the agenda. These two projects would implement Annex I and Annex II of MARPOL 73/78, respectively. Annex I deals with oil while Annex II deals with chemicals. The project was split for clarity.

Analysis: Regulatory Evaluation 04/09/86

Agency Contact: Lt. Mallon, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 267-0494**

RIN: 2115-AC08

1713. BOATING SAFETY; VENTILATION STANDARD (85-059)

Significance: Nonsignificant

Legal Authority: 46 USC 4302

CFR Citation: 33 CFR 183.620(b)

Legal Deadline: None.

Abstract: This rule removed the requirement for ventilation openings to face forward and the requirement for testing to show airflow. These requirements had virtually no impact on achieving the necessary ventilation.

Timetable:

Action	Date	FR Cite
NPRM	06/23/86	51 FR 22830
NPRM Comment Period End	08/22/86	
Final Action	11/23/86	51 FR 37577
Final Action Effective	08/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/23/86 (51 FR 22830)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0981**

RIN: 2115-AC15

1714. PUGET SOUND VESSEL TRAFFIC SYSTEM (85-092)

Significance: Nonsignificant

Legal Authority: 33 USC 1231

CFR Citation: 33 CFR 161 to 199

Legal Deadline: None.

Abstract: Duplicate of RIN 2115-AC01.

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2115-AC01	12/15/86	

Small Entity: Undetermined

Agency Contact: LTJG Bradley, Waterways Management Division, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-0412**

RIN: 2115-AC26

1715. DOCUMENTATION OF VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC 121

CFR Citation: 46 CFR 67

Legal Deadline: None.

Abstract: This project amends 46 CFR Part 67 -- Documentation of Vessels -- to make eligible for documentation in the coastwise trade those vessels subject to administrative forfeiture. Presently only vessels subject to judicial forfeiture are eligible. The rule removes any outstanding encumbrances from forfeited vessels to make them more attractive for resale for use in the coastwise trade.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21580
Final Action	09/19/86	51 FR 33268
Final Action Effective	09/19/86	51 FR 33268

Small Entity: Yes

Agency Contact: LT Oxley, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-1492**

RIN: 2115-AC31

1716. INLAND WATERWAY NAVIGATION REGULATIONS; GULF OF MEXICO (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None.

Abstract: Duplicate of RIN 2115-AC03.

Timetable:

Action	Date	FR Cite
Duplicate of RIN 2115-AC03	02/27/87	

Small Entity: Undetermined

Agency Contact: Michael Powers, Waterways Management Division, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, **202 267-0404**

RIN: 2115-AC39

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Prerule Stage

1717. + REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040).

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3802**

RIN: 2120-AA70

1718. + IMPROVED SEAT-SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop improved load-test criteria for occupant seat restraint systems on transport airplanes based on the ongoing joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25982
NPRM Comment Period End	01/14/87	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 25040

Analysis: Regulatory Evaluation 07/17/86 (51 FR 25982)

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AA88

1719. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3558**

RIN: 2120-AB50

1720. + FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS - PARTS 121 AND 135

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 USC 1472; 49 USC 1355(a); 49 USC 1431

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action would propose requirements to improve cargo compartment fire protection for transport category airplanes operated under Parts 121 and 135 after a specified date. This action would propose a new rule which would require, within two years, replacement

of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AC04

1721. REVIEW: PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9372

RIN: 2120-AB09

1722. REVIEW: PART 67—MEDICAL STANDARDS AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None.

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Hark, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120-AB13

1723. REVIEW: PART 141—PILOT SCHOOLS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Legal Deadline: None.

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB14

1724. REVIEW: PART 121 — CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

DOT—FAA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB27

1725. REVIEW: PART 135 – AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB28

1726. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None.

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	12/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9683

RIN: 2120-AA50

1727. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None.

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AA79

1728. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: The FAA is considering rulemaking to revise several sections of Part 135 dealing with instrument flight rules. The action is, in part, in response to petitions from Owen Aviation and Liberal Aircraft. The proposed rules would restore the right of single engine airplanes to operate in instrument flight rule conditions under specified conditions, relax minimums at foreign and military airports, and add visibility and ceiling requirements at airports without standard instrument approach procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AA82

DOT—FAA **Prerule Stage**

1729. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This action would delay an October 15, 1982, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3788

RIN: 2120-AA98

1730. PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None.

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which these ratings are necessary, and the privileges and limitations of those certificates and ratings. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John S. Kern, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AB12

1731. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This proposal would review special conditions issued for high altitude operation and to consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 06/27/84

Agency Contact: Gary Livum, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2134

RIN: 2120-AB18

1732. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: Possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 05/16/85

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2135

RIN: 2120-AB46

1733. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g) Revised Pub. L. 97-449, January 12, 1983; 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action pending operational evaluation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Docket Number 23755.

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB92

1734. FLIGHT ATTENDANT FLIGHT TIME LIMITATIONS AND REST REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None.

DOT—FAA

Prerule Stage

Abstract: The Association of Flight Attendants and the Joint Council of Flight Attendant Unions have petitioned the FAA to amend Part 121 and 135 to establish maximum duty timelimits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3757

RIN: 2120-AB97

1735. AIRCRAFT FLEET MODERNIZATION STRATEGIES

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 42 USC 4321 et seq

CFR Citation: 14 CFR 21, (Revision); 14 CFR 23, (Revision); 14 CFR 25, (Revision); 14 CFR 36, (Revision); 14 CFR 91, (Revision)

Legal Deadline: None.

Abstract: The FAA was directed by the Appropriations Committee of the U.S. House of Representatives (H. Report 99-256) to report on alternatives available to provide incentives to air carriers to accelerate modernization of the commercial aircraft fleet. This report will detail those alternatives, including a program of regulatory actions that might be taken by the FAA over a period of five to seven years, for implementation for up to fifteen years.

Timetable:

Action	Date	FR Cite
Public Hearing Announcement	12/01/85	50 FR 45701
Public Hearing	12/10/85	
Report to Congress (Reg. Program) Description of Regulatory Alternative for Fleet Modernization	04/01/86	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: A public hearing was held on December 10, 1985, to afford interested parties the opportunity to present their views and data on issues raised in the preparation of the Report to Congress.

Government Levels Affected: Local, State, Federal

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC03

1736. AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1401(a); 49 USC 1401(b); 49 USC 1402; 49 USC 1403(g); 49 USC 1405

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None.

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120-AC17

1737. NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise standards for type certification of airplanes. A new generation of aircraft powered by prop fan engines may present a noise problem that is not currently addressed by Part 36 in that enroute noise at cruise altitude (25,000 to 30,000 ft) may require a new standard. This proposal would establish a new standard to control high altitude flyover noise from these new types of aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC20

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

1738. ● + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None.

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Robert Seger, Assistant Division Manager, AFS-300, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8322

RIN: 2120-AC38

1739. + LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFFS/LANDINGS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 135

Legal Deadline: None.

Abstract: This notice proposes to require that all turbojet-powered airplanes operated in accordance with Part 121 have airborne systems that warn a flightcrew of the presence of low-altitude windshear conditions and then provide flight guidance to follow that would produce the optimal flight path for a missed approach procedure. This proposal would require that any Part 121 operator using an approved simulator as a part of its training program develop a specific windshear-related simulator flight training course for its flightcrews. This proposal would require that Part 121 and 135 operators using an approved training program include training concerning the low-altitude windshear phenomenon as a part of their normal ground training. Low-altitude windshear has been a prime causal factor in numerous air carrier accidents and possibly has contributed to a number of general aviation accidents.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807
NPRM	04/20/87	

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two-year effort to develop a windshear program. As part of the program, FAA began work to develop a windshear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal, it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135).

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3752

RIN: 2120-AA01

1740. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports. Proposed action has been superseded by the metropolitan Washington Airports Act of 1986 and will be withdrawn.

Timetable:

Action	Date	FR Cite
SNPRM	07/16/84	49 FR 24626
Comment Period		
To be withdrawn	12/00/87	

Small Entity: No

Additional Information: Superseded by Metropolitan Washington Airports Act of 1986.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120-AA89

1741. + AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA57

1742. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

DOT—FAA

Proposed Rule Stage

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project follows completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120-AB22

1743. + CIVIL HELICOPTER NOISE CERTIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise-level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice, which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite
NPRM	03/06/86	51 FR 7878
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet-powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller-driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 09/00/85; Environmental Analysis 09/00/85

Agency Contact: Richard N. Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AB33

1744. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/07/86

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5117

RIN: 2120-AB35

1745. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None.

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE)

comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial. A summary of written and oral comments received in response to notices and hearings was sent to the DOE February 22, 1985, for them to address. DOE is presently conducting an indepth review of security requirements at each of their sites. Results of this review will be used by DOE in making a decision to proceed with, modify, or withdraw part or all of their request for prohibited airspace.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435

Next Action Undetermined

Small Entity: Yes

Agency Contact: Paul Gallant, Special Use Airspace, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9246

RIN: 2120-AB39

1746. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Deputy Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3773

RIN: 2120-AB42

1747. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None.

Abstract: Would revise certification and operational requirements for aircraft produced after January 1, 1988. On that date the current two stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AB88

1748. + ULTRALIGHT AIRCRAFT REGISTRATION AND MARKING

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421 to 1430; 49 USC 1423; 49 USC 1522; 49 USC 1655(c); 49 USC 1347; 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1432

CFR Citation: 14 CFR 1; 14 CFR 103

Legal Deadline: None.

Abstract: This action would establish registration and marking requirements for powered ultralight aircraft. These requirements are needed to enforce existing ultralight air traffic safety requirements effectively and to enable the FAA to issue important safety information to powered ultralight operators. The FAA intends that these requirements will better protect the safety of other airspace users and persons and property on the ground from unsafe powered ultralight activity.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9541

RIN: 2120-AC09

1749. + PART 23 AIRWORTHINESS REVIEW - NOTICE NO. 1 (CRASHWORTHINESS)

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice proposes changes to the airworthiness standards to enhance cabin safety and occupant protection by raising the level of crashworthiness for new designs of small airplanes type certificated after a certain date.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44878
NPRM Comment Period End	06/12/87	

Small Entity: No

Additional Information: This notice is the first of several planned notices resulting from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 12/12/85

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AC16

1750. + SST STAGE 3 COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39603
ANPRM Comment Period End	02/27/87	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 25109 was open 10/30/86 through 2/27/87

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC22

1751. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT-CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: NPRM will propose to establish standards for transport category airplanes, to limit the distance a passenger seat may be from an exit, and the distance between adjacent exits. Purpose is to ensure passengers do not have to traverse excessive distances to escape the aircraft in an emergency, and to prevent U.S. carriers from deactivating the overwing exits of the Boeing 747. Escape-path distance was a major issue of the recent Emergency Evacuation Task Force. Current regulations do not limit escape-path distance. Action is significant because of substantial public interest associated with issues involving aircraft passenger safety.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Henri Branting, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9577

RIN: 2120-AC29

1752. ● + FLIGHT ATTENDANT REQUIREMENTS DURING DEPLANING AND BOARDING

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This action proposes to revise the regulation dealing with the required number of flight attendants to clarify the original intent of the regulation. The current regulations are confusing and not clearly understood. The proposed amendments would clarify the number of flight attendants required when passengers are on board an airplane, including during boarding and deplaning. The proposals would allow for a reduced number of flight attendants on board an airplane during specified periods. The proposals would specify the conditions to be met to reduce the number of flight attendants at these stops. Additionally, the proposals would allow other authorized persons to be substituted for the required flight attendants at these stops, and the proposals would clearly establish the requirements for training for those authorized persons. The FAA proposes a new rule that would clarify where the required flight attendants and other persons must be located when they are onboard the airplane.

Timetable:

Action	Date	FR Cite
NPRM	06/19/87	

Small Entity: Undetermined

Agency Contact: Lorraine Harrison, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3756

RIN: 2120-AC32

1753. ● + CONTROL OF DRUG AND ALCOHOL USE FOR PERSONNEL ENGAGED IN COMMERCIAL AND GENERAL AVIATION ACTIVITIES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This notice invites comments on drug and alcohol abuse by personnel in the aviation industry and the options available for regulatory or other actions in the interest of aviation safety. It is intended to gather additional information on the extent to which abuse of drugs or alcohol is impairing the performance of personnel in the aviation community, such as commercial and general aviation pilots and mechanics, and on the costs and effectiveness of various drug and alcohol countermeasures. The rulemaking will cover mandatory random testing.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/86	51 FR 44432
ANPRM Comment Period End	01/23/87	
Comment Period Extended to 02/23/87	01/23/87	52 FR 2547
NPRM	04/24/87	

Small Entity: No

Agency Contact: Dr. Robert S. Bartanowicz, Assistant Manager, Safety

Regulations Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9679

RIN: 2120-AC33

1754. ● + INSTALLATION OF TRAFFIC CONTROL AVOIDANCE SYSTEM IN DOMESTIC TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 121; 14 CFR 25

Legal Deadline: None.

Abstract: This action would propose to require that domestic transport category airplanes be equipped with a traffic collision avoidance system. To facilitate the requirements, it would also be necessary to develop a technical standard order.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	

Small Entity: Undetermined

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120-AC34

1755. ● + SINGLE-CLASS TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Proposes to establish a single-class TCA having common pilot and equipment requirements. This proposed action is consistent with determinations made by the National Airspace Review and FAA TCA Review Teams that different classifications of TCA airspace are outdated and no longer valid.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AC35

1756. ● + TERMINAL CONTROL AREA PILOT AND EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: None

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Proposes common pilot and equipment requirements for aircraft operations within terminal control areas. Proposed action is consistent with determination made by FAA TCA Review Group that all aircraft, including helicopters, operate under a single set of pilot and equipment requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 01/21/87

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9249

RIN: 2120-AC36

1757. PART 91, SUBPART B, NATIONAL AIRSPACE REVIEW RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq: EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AA07

1758. OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None.

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	

Next Action Undetermined

Small Entity: No

Additional Information: No docket number assigned

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AA09

1759. CESSNA FINANCE PETITION

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1406 Federal Aviation Act of 1958, Sec. 506; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 47

Legal Deadline: None.

Abstract: Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: **Les Dunlop**, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA15

1760. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None.

Abstract: This notice supplements NPRM 81-14, which proposed to permit the operation of powered aircraft with certain inoperative instruments and equipment that are not essential for the safe operation of the aircraft. After further review of the comments from the public, the FAA concluded that provisions in that notice could be accomplished with less paperwork, and the concept could be further modified to conform to other pertinent regulations. This supplemental notice proposes to permit rotorcraft and nonturbine powered airplanes (for which a master minimum equipment list has not been developed), that are not being utilized in an air carrier operation, to be operated with certain inoperative instruments and equipment. Furthermore, this supplemental notice proposes to permit flight operations with certain inoperative instruments and equipment for small multiengine rotorcraft and nonturbine-powered small multiengine airplanes (for which a master minimum equipment list has been developed and that are not being utilized in an air carrier operation) the option of selecting the minimum equipment (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
NPRM Comment Period End	01/25/82	
NPRM Supplemental (SNPRM)	09/28/87	

Small Entity: No

Additional Information: ABSTRACT CONT: list concept or complying with the provision contained in the new proposed regulations.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: **John Lynch**, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3841**

RIN: 2120-AA19

1761. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: **James Major**, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 624-5117**

RIN: 2120-AA29

1762. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM	04/27/84	49 FR 18240
Extension of Comment Period	07/20/84	49 FR 29410
NPRM Comment Period End	08/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 09/10/85

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA46

1763. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120-AA47

1764. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend Sec 25.975 to require fuel tank vent protection during ground fires and Sec 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA49

1765. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Legal Deadline: None.

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 4172
NPRM Comment Period End	04/24/85	

Next Action Undetermined

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/29/85; Environmental Assessment 07/00/85

Agency Contact: Richard Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3558**

RIN: 2120-AA74

1766. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Warren Kurtze, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3843

RIN: 2120-AA83

1767. TRANSPORT ROTORCRAFT STRUCTURAL FATIGUE AND DAMAGE TOLERANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This notice proposes to change Section 29.571 governing the requirements for fatigue substantiation of transport category helicopter structure. It adds a requirement that damage tolerance criteria be used "unless shown to be impractical." The proposal is intended to obtain consistent use of state-of-the-art damage tolerant materials and design features in transport category aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 09/16/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 624-5122

RIN: 2120-AA84

1768. NATIONAL AIRSPACE REVIEW (NAR) TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None.

Abstract: Would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area," (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054
ANPRM Comment Period End	06/06/85	50 FR 5054

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120-AB02

1769. BIRD IMPACT AND LIGHTNING PROTECTION FOR PROPELLERS OF COMPOSITE CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None.

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 12/00/86

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120-AB05

1770. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None.

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 11/15/85

Agency Contact: Denny Whitmire, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2119

RIN: 2120-AB17

1771. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	12/31/87	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 624-5109**

RIN: 2120-AB36

1772. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None.

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	08/07/87	

Small Entity: Undetermined

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3752**

RIN: 2120-AB45

1773. PRIMARY CATEGORY AIRCRAFT; POWERED ULTRALIGHT; FALSIFICATION OF APPLICATIONS, REPORTS, OR RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f)-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None.

Abstract: Action will propose to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the notice will propose simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: John McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9590**

RIN: 2120-AB53

1774. POWERED ULTRALIGHTS: AIRMAN CERTIFICATION REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401 to 1406; 49 USC 1421 to 1432; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); 42 USC 4321

CFR Citation: 14 CFR 1; 14 CFR 61; 14 CFR 91; 14 CFR 103

Legal Deadline: None.

Abstract: Action would propose to establish airman certification requirements for persons operating powered ultralight aircraft. These mandatory certification standards are being considered because the response by ultralight operators to voluntary training programs has not been adequate. These proposed certification requirements are intended to achieve an acceptable level of safety in the operation of these aircraft.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: William Cook, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3844**

RIN: 2120-AB69

1775. PART 157 REVIEW

Significance: Nonsignificant

Legal Authority: Secs 309, 313(a), 314, 72 Stat. 751.; 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None.

Abstract: Revision of FAR Part 157 to include issues relating to ultralight activities and to require notice of proposed traffic patterns and changes thereto. Pending completion of Regulatory Evaluation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB74

1776. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: Secs 307, 313(a), 402, 601, 602, 603, 902, 1110, 1302; 72 Stat 749; 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None.

Abstract: This Review Program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons. Pending completion of Regulatory Evaluation. NPRM is being drafted.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: Part 91 revision also required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both parts 91 and 101 with respect to balloon operations.

Agency Contact: Robert L. Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AB75

1777. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 1724
ANPRM Comment Period End	04/29/86	
NPRM	05/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120-AB76

1778. EXPANSION OF APPLICABILITY OF SECTION 43.17 TO INCLUDE ANY COUNTRY WITH APPROPRIATE BILATERAL AIRWORTHINESS AGREEMENT, INCLUDING MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None.

Abstract: The proposed amendment would revise Section 43.17 to accept the completion of maintenance, alteration or modification of an aircraft, engine, propeller, appliance, component, or part thereof, and for installation by a person authorized by the Civil Aviation Authority (CAA) of the foreign country having the Bilateral Airworthiness Agreement (BAA), which includes maintenance alteration, or modification, with the U.S., and for the import of those items into the U.S. when such work is done in accordance with the Schedule of Implementation Procedures for the BAA between the U.S. and the foreign country.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Melvin Cooper, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3803

RIN: 2120-AB89

1779. REVISED ONE-ENGINE-INOPERATIVE RATINGS FOR ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This project proposes to revise Parts 27 and 29 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	05/15/88	

Small Entity: No

Analysis: Regulatory Evaluation 11/30/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, 817 624-5123

RIN: 2120-AB90

1780. TURBINE BURST PROTECTION FOR TRANSPORT CATEGORY HELICOPTERS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None.

Abstract: The purpose of this project is a proposal to amend Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	11/20/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/20/87

Agency Contact: Wilbur F. Wells, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 624-5123**

RIN: 2120-AB91

1781. CONTROLLED AIR SPACE DESIGNATIONS IN INTERNATIONAL AIR SPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None.

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Evaluation 07/00/85 (50 FR 30798)

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9250**

RIN: 2120-AB93

1782. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 14 CFR 11.45; 14 CFR 11.65

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75; 14 CFR 91; 14 CFR 103; 14 CFR 105; 14 CFR 1

Legal Deadline: None.

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket number 24456

Analysis: Regulatory Evaluation 01/01/86

Agency Contact: William C. Davis, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9250**

RIN: 2120-AB95

1783. TERMINAL CONTROL AREA (TCA) SAN DIEGO (MODIFICATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510

CFR Citation: 49 CFR 71

Legal Deadline: None.

Abstract: Terminal Control Areas (TCA) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	02/26/86	51 FR 07448
NPRM Comment Period End	05/05/86	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Gene Falsetti, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AB98

1784. TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9252**

RIN: 2120-AB99

1785. CHANGES REQUIRING A NEW TYPE CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This notice would propose to amend the Federal Aviation Regulations to permit certain aircraft product changes to be accomplished under amended type certification or supplemental type certification procedure in lieu of applying for a new type certificate. The granting of several exemptions emphasized the need for a review of established criteria mandating an application for a new type certificate. The availability of advanced, high performance, light-weight engines and superior

replacement systems requires this rule change for the upgrading of older seasoned designs to increase safety, utility, performance, and reliability, and reduce operational cost. The rule remains unchanged for aircraft product modifications which are so extensive that a substantially complete investigation of compliance is required.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Nick Dobi, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9568**

RIN: 2120-AC05

1786. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3748**

RIN: 2120-AC08

1787. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite
NPRM	04/24/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 02/04/86

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AC14

1788. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This notice will propose design requirements applicable to advancements in technology being incorporated into current designs, reducing the hazards from bird strike, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	

Small Entity: No

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Analysis: Regulatory Evaluation 01/30/87

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AC15

1789. PART 150 - AIRPORT NOISE-COMPATIBILITY PLANNING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(c); 49 USC 1354(a); 49 USC 1421; 49 USC 1431(b); 49 USC 1655(c); 49 USC 2101 to 2104(b); 49 USC 1.47(m); 49 USC 2201 et seq.

CFR Citation: 14 CFR 150

Legal Deadline: None.

Abstract: Part 150 of the Federal Aviation Regulations prescribes requirements for airport operators who voluntarily choose to submit compatibility planning programs to the FAA. Operators of airports whose maps and programs have been accepted by the FAA as meeting the Part 150 standards are then eligible to apply for funding noise-control projects under the Airport Improvement Program and are further afforded certain legal rights under the law. The current rule includes heliports that are located on public-use airports; the proposed rule would extend coverage to free-standing public-use heliports.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Analysis: Economic Assessment 08/15/84

Agency Contact: Richard N. Tedrick, Manager, Noise Policy & Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800

DOT—FAA

Proposed Rule Stage

Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC19

1790. ROTORCRAFT CERTIFICATION REQUIREMENTS COORDINATION WITH EUROPEAN AIRWORTHINESS AUTHORITIES STEERING COMMITTEE (AASC)

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29; 14 CFR 27

Legal Deadline: None.

Abstract: Rotorcraft manufacturers and foreign airworthiness authorities would like one set of standards to reduce cost of airworthiness certifications. Many countries now use FAR Parts 27 and 29, with some national differences, as their standards.

Timetable:

Action	Date	FR Cite
NPRM	02/01/88	

Small Entity: Undetermined

Agency Contact: R. W. Weaver, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, 817 624-5122

RIN: 2120-AC27

1791. ● SECURITY CONTROL OF AIR TRAFFIC

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: North American Air Defense modernization requires realignment of the Air Defense Identification Zones to bring them in line with planned coverage and current capabilities.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	
NPRM Comment Period End	06/15/87	

Small Entity: Undetermined

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9248

RIN: 2120-AC37

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

1792. + UPDATE OF PART 139

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Legal Deadline: None.

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/23/85	50 FR 43094
NPRM Comment Period End	01/21/86	
Final Action	04/15/87	

Small Entity: Yes

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. Recent delays have occurred due to industry concerns over aviation fueling responsibilities. FAA has reviewed proposals presented by a group of aviation organizations and changes have been made to the NPRM. The NPRM was published in the Federal Register on October 23, 1985. The comment period closed on January 21, 1986.

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8724

RIN: 2120-AA10

1793. + CARRY-ON BAGGAGE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This proposed regulation would enhance safety aboard aircraft by ensuring that all baggage brought aboard can be and is safely stored. This proposal was prompted by a petition from the Association of Flight Attendants.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19134
NPRM Comment Period End	07/28/86	
Final Action	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 02/00/86

Agency Contact: Roger Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3750

RIN: 2120-AC06

1794. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None.

Abstract: This final rule would establish a recreational pilot certificate

which would allow a student pilot to receive certification to fly certain aircraft after fewer hours of training than are currently required of a private pilot applicant. The recreational pilot certificate is intended to be a low-cost alternative to a private pilot certificate for persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport that is not in airspace in which communication with an air traffic control facility is required. The rule would also establish an annual flight review requirement for noninstrument-rated private pilots with fewer than 400 flight hours.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	
NPRM Comment Period End	09/24/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: Docket No. 24695

Agency Contact: Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3844**

RIN: 2120-AA54

1795. + PROTECTIVE BREATHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Legal Deadline: None.

Abstract: This rule would amend the regulations applicable to PBE by; (1) incorporating the requirements of Section 25.1439 into current Section 121.337, (2) providing new standards for PBE for crewmembers that may fight smoke or fire in the airplane while in flight, (3) requiring the performance of an approved firefighting drill using PBE; (4) requiring that additional PBE be located within 3 feet of each required band fire extinguisher in passenger compartments when possible; and (5) clarifying certain recommendations of the NTSB, which found during an accident investigation that smoke goggles used by several air carriers did not adequately protect the flight crew and that some goggles restricted the user's vision.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	
NPRM Comment Period End	02/10/86	50 FR 41452
Final Action	00/00/00	

Small Entity: Yes

Additional Information: Docket No. 24792

Analysis: Regulatory Flexibility Analysis

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3750**

RIN: 2120-AB32

1796. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None.

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1988. It would also revise the noise-level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three-year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/14/86	51 FR 25500
NPRM Comment Period End	10/09/86	
Final Action	09/00/87	

Small Entity: No

Analysis: Draft Regulatory Evaluation 10/00/86

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3558**

RIN: 2120-AB47

1797. + CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433; PL 99-500, Sec 6005(c)(10)

CFR Citation: 14 CFR 159.181 to 185

Legal Deadline: Statutory, June 1, 1987. P.L. 99-500 Sec. 6005(c)(10) requires new fees to be in place on date of airport transfer.

Abstract: Proposed revision to reflect changed costs of operating the airports. Rulemaking is required to revise fees in accordance with P.L. 99-500 Sec. 6005(c)(10) and contractual obligations.

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 8040

Next Action Undetermined

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AB48

1798. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None.

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24995

Analysis: Regulatory Evaluation 05/27/86

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2143**

RIN: 2120-AB77

1799. REVIEW: CARRIAGE OF WEAPONS AND OTHER DANGEROUS OBJECTS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401; 49 USC 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159.79

Legal Deadline: None.

Abstract: Amendment to clarify existing rules governing the carriage of weapons and other dangerous objects on Washington National Airport and Dulles International Airport so that rule more closely conforms to regulations governing aviation security and to existing local ordinances. The change would make it easier for the public to comply with airports' rules without compromising airport security.

Timetable:

Action	Date	FR Cite
NPRM	11/13/86	51 FR 41290
NPRM Comment Period End	01/12/87	

Next Action Undetermined

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Edward S. Faggen or Jana E. McIntyre, Legal Counsel, Attorney, Department of Transportation, Federal Aviation Administration, Metropolitan Washington Airports, Washington National Airport, Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AC01

1800. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291 (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	
Final Action	07/23/87	

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: Marion Clemens, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3843**

RIN: 2120-AA13

1801. ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Legal Deadline: None.

Abstract: This amendment changes Parts 1, 27, 29, and 33 in the area of propulsion system requirements. New rules or changes to rules are included in the area of engine ratings, detailed combustion heater requirements, lightning protection, system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period End	03/26/85	
Final Action	09/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 624-5123**

RIN: 2120-AA28

DOT—FAA

Final Rule Stage

1802. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None.

Abstract: This document proposes changes in regulations pertaining to (1) U.S. registered aircraft operated by foreign persons in common carriage and (2) certain large U.S.-registered airplanes not operated in common carriage.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50588
NPRM Comment Period End	04/10/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: Docket No. 24856

Agency Contact: Lawrence P. Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3748**

RIN: 2120-AA42

1803. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	

Next Action Undetermined

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation 02/18/86 (51 FR 33700)

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA58

1804. NIGHTTIME VFR WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	04/00/87	

Small Entity: No

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 48 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514 49 USC 106(a) Revised Pub L 97-449 January 12, 1983

Agency Contact: Burton Chandler, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9252**

RIN: 2120-AB04

1805. AIRWORTHINESS STANDARDS; AIRCRAFT ENGINE, ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federa. Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None.

Abstract: Would add a new section, FAR 33.28 to incorporate requirements for electronic controls for aircraft engines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	05/15/87	

Small Entity: No

Analysis: Regulatory Evaluation 02/14/85

Agency Contact: H. Alden Jackson, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7078**

RIN: 2120-AB06

1806. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposes to revise Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	06/06/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343

Next Action Undetermined

Small Entity: No

Additional Information: The FAA has determined that adoption of this proposal will not result in an econcmic burden on the public. It is a relieving rule that removes a minimum speed

limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, **817 624-5109**

RIN: 2120-AB87

1807. FLIGHT PLAN AND TRANSPONDER REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None.

Abstract: The proposal would require that all civil aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a filed flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder would have to be conducted with that transponder on and replying on the appropriate code or on a code assigned by ATC.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 37882
NPRM Comment Period End	12/23/86	

Next Action Undetermined

Small Entity: No

Additional Information: Docket Number 25099

Affected Sectors: Multiple

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9248**

RIN: 2120-AC00

1808. PREFLIGHT ASSEMBLY OF GLIDERS AND BALLOONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 61; 14 CFR 91

Legal Deadline: None.

Abstract: The purpose of these amendments is to discontinue classifying glider and balloon assembly as preventive maintenance, except in certain circumstances; add training requirements for pilots in preflight assembly of gliders and balloons, and add preflight assembly and post assembly inspections to the preflight responsibilities for glider and balloon pilots. The amendments are needed to ensure the continued assignment of responsibilities for preflight assembly and inspection of gliders and balloons while simultaneously reducing the recording burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21722
Final Action	05/03/87	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/86 (51 FR 21722)

Agency Contact: George Johnson, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3798**

RIN: 2120-AC10

1809. AIRCRAFT IDENTIFICATION AND RETENTION OF FUEL SYSTEM MODIFICATION RECORDS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421 to 1430; 49 USC 106(g); 49 USC 1355; 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 2121 to 2125

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 91

Legal Deadline: None.

Abstract: The FAA proposes to require: (1) that 12-inch high nationality and registration marks (N-numbers) be displayed on aircraft that penetrate an Air Defense Identification Zone (ADIZ) or a Defense Early Warning Identification Zone (DEWIZ); (2) that a civil aircraft identification (ID) plate be displayed in a visible area on the exterior of an aircraft near the right rear-most entrance; and (3) that a copy of the FAA Form 337 for the installation of a temporary extended range fuel system be obtained and kept in the aircraft by the owner or operator until the system is removed. The U.S. Customs Service has requested the FAA to consider amending these regulations to assist in identifying aircraft suspected of being involved in drug trafficking.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25174
NPRM Comment Period End	09/09/86	
Final Action	09/18/87	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/86 (51 FR 25174)

Agency Contact: Joseph Gwiazdowski, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9541**

RIN: 2120-AC11

1810. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8277**

RIN: 2120-AA63

1811. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

DOT—FAA

Final Rule Stage

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 10/00/86 - 10/00/87

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: Undetermined

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9580

RIN: 2120-AA64

1812. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 05/00/87 - 05/00/88.

Timetable:

Action	Date	FR Cite
Final Action	05/00/88	

Small Entity: No

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120-AA65

1813. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 10/00/86 - 10/00/87.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: John Watterson, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120-AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1814. + PARTS MANUFACTURER APPROVALS

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 21; 14 CFR 45

Legal Deadline: None.

Abstract: Since its inception, the PMA program has been controversial, and that controversy was underscored by several attempts by FAA to change the regulations. Public comment to previous NPRM's suggested FAA disparity in applying PMA rules and confusion among aviation industry members and other Federal agencies concerning both the PMA process as it existed and FAA's proposed changes. The agency withdrew its proposals and issued a contract to study all aspects of the controversy and suggest alternatives for future rulemaking. The contractor's report titled "Parts Manufacturer Approval Program Evaluation, Phase I Report" proposes (1) standardizing PMA procedures with or without rulemaking, (2) formalizing the data comparison approval method, (3) pursuing property right legislation for certain data, (4) deregulating aircraft replacement parts, or (5) delegating certain approval aspects back to industry. Regulatory Flexibility Act and Executive Order 12291 analyses are being done as part of Phase II of the contract.

Timetable:

Action	Date	FR Cite
NPRM	12/23/75	42 FR 43985
NPRM Second	01/15/81	46 FR 3775
Withdrawn	10/12/84	49 FR 40154

Small Entity: Yes

Additional Information: Docket No. 17147. This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). NPRM's 77-19 through 77-19D withdrawn October 12, 1984 (49 FR 40154). Phase I Report available to the public January 15, 1985 (50 FR 6303). Phase II of the contract initiated May 1985 to prepare Regulatory Flexibility Act and other analyses required to pursue future NPRM.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas McSweeny, Department of Transportation, Federa Aviation Administration, 800

Independence Ave., SW, Washington, DC 20591, **202 267-9580**

RIN: 2120-AA00

1815. + FLIGHT RECORDERS AND COCKPIT VOICE RECORDERS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 125

Legal Deadline: None.

Abstract: This action changes the regulations to expand the minimum flight data recorder (FDR) requirements for existing and newly manufactured pre-1969 type certificated aircraft operating under Part 121. This action also amends Part 135 to require cockpit voice recorders (CVR) on multi-engine-powered, fixed-wing aircraft manufactured after a certain date if the aircraft requires two pilots and is certificated to carry six or more passengers. This is in response to an NTSB recommendation.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 949
Notice Reopening Comment Period	04/18/85	50 FR 15528
NPRM Comment Period End	06/03/85	50 FR 15528
Final Action	03/25/87	52 FR 9622
Final Action Effective	05/26/87	

Small Entity: No

Additional Information: Docket No. 24418

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9567**

RIN: 2120-AA95

1816. + ADVANCED V/STOL ROTORCRAFT STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 00, (New)

Legal Deadline: None.

Abstract: This proposed action would have added a new part to FAR to establish airworthiness standards for advanced V/STOL rotocraft. It was determined that draft interim standards would adequately serve, pending further development of advanced-design rotorcraft.

Timetable:

Action	Date	FR Cite
Action Terminated	08/21/86	

Small Entity: No

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, **817 624-5109**

RIN: 2120-AB25

1817. + MODE S TRANSPONDER

Significance: Agency Priority

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1353 Federal Aviation Act of 1958, Sec. 312; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 135

Legal Deadline: None.

Abstract: Proposes use of Mode S transponder within terminal control areas and generally above 12,500 feet MSL. Also proposes that ATCRBS transponder may be used in those airspace areas. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/83	48 FR 48364
NPRM	09/17/85	
NPRM Comment Period End	12/16/85	50 FR 37674
Final Action	02/03/87	52 FR 3380
Final Action Effective	04/06/87	

Small Entity: Undetermined

Additional Information: Docket No. 23799. Mode S is considered to be the key airborne link to the new automated National Airspace System. It will also figure as a key component in data-linking information between air and ground.

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37674)

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9249**

RIN: 2120-AB03

1818. METROPOLITAN WASHINGTON AIRPORTS REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 14 CFR 159

Legal Deadline: None.

Abstract: Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports.

Timetable:

Action	Date	FR Cite
Action terminated	10/18/86	

Small Entity: No

Additional Information: Legislation transferring Metropolitan Washington Airports to new regional nonfederal Airport Authority became law on October 18, 1986. Regulations to be transferred to new Metropolitan Washington Airports Authority.

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AA12

1819. RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS - NOTICE OF LIEN

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 49

Legal Deadline: None.

Abstract: Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would have

required release of the Notice filed upon satisfaction of the lien. It was withdrawn to avoid conflict with any future proposals regarding the recording of instruments affecting interests in aircraft.

Timetable:

Action	Date	FR Cite
NPRM	01/13/75	40 FR 2445
Withdrawn	12/08/86	51 FR 44072

Small Entity: No

Additional Information: Docket No. 14236.

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, 405 686-2284

RIN: 2120-AA14

1820. ROTORCRAFT REVIEW NOTICE NO. 5-OPERATIONS AND MAINTENANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1341 Federal Aviation Act of 1958, Sec. 301; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 133; 14 CFR 135

Legal Deadline: None.

Abstract: This rule amends and updates the operations and maintenance requirements pertaining to rotorcraft and establishes a new Class D rotorcraft-load combination. The amendments affect certain sections of Parts 1, 43, 45, 61, 133, and 135 of the Federal Aviation Regulations that apply to rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 10144
NPRM Comment Period End	07/10/85	50 FR 10144
Final Action	11/07/86	51 FR 40692
Final Action Effective	01/06/87	

Small Entity: No

Additional Information: Docket No. 24550

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Marion Clemens, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3843

RIN: 2120-AA30

1821. REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE AT WASHINGTON NATIONAL AIRPORT

Significance: Nonsignificant

Legal Authority: 49 USC 2401 to 2407; 49 USC 2421 to 2433

CFR Citation: 49 CFR 159.2; 49 CFR 159.4

Legal Deadline: None.

Abstract: Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/83	48 FR 19838
See Additional Information	10/18/86	

Small Entity: Yes

Additional Information: Airports Authority Legislation transferring Metropolitan Washington Airports to new regional, nonfederal Airport Authority passed on October 18, 1986. Regulation to be transferred to new Metropolitan Washington Airports Authority.

Analysis: Regulatory Evaluation

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AA62

1822. HIGH DENSITY AIRPORT TRAFFIC RULE

Significance: Nonsignificant

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Legal Deadline: None.

Abstract: Proposal would have modified or eliminated hourly limits on operations at John F. Kennedy, La Guardia, and Chicago O'Hare Airports. Proposal was considered significant because of the public interest likely to be generated. Final rule provided that high-density-rule slots could be bought or sold. The rule was further refined in a June 13, 1986, amendment (51 FR 21708). Agency position is that the high-density rule remains necessary to reduce congestion and delay.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13434
Interim Final Rule	03/06/84	49 FR 8237
Final Action	12/16/85	50 FR 52180

Small Entity: No

Additional Information: Docket No. 22471.

Analysis: Regulatory Evaluation 03/31/83

Agency Contact: Dave Bennett, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120-AA72

1823. REVISE PART 23 TO INCLUDE COMMUTER CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action amends Part 23 to include airworthiness standards for multi-engine airplanes having a maximum passenger seating configuration, excluding any pilot seat, of 19 seats, and with a maximum takeoff weight of up to 19,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 52010
Final Action	01/15/87	52 FR 1806

Small Entity: No

Additional Information: Docket No. 23516.

Analysis: Regulatory Evaluation 11/15/83

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA77

1824. FAR 23.49(B) STALL SPEEDS FOR SINGLE-ENGINE AND MULTI-ENGINE AIRPLANES OF 6,000 LBS. OR LESS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 F.A. Act, Sec. 313; 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None.

Abstract: This action would relieve the current 61-knot stall speed requirements of Part 23 by either deleting the requirement or specifying an alternative requirement.

Timetable:

Action	Date	FR Cite
Action terminated	02/05/87	

Small Entity: Yes

Additional Information: A new generation of turbo-powered, single-engine airplanes is being developed whose operating efficiency and performance will be greatly reduced if they are required to meet the current stall speed requirements. The object of this rulemaking activity is to permit design and certification of higher performance, single-engine airplanes that may achieve higher cruise speeds with better specific fuel consumption by increasing wing loading.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/30/85

Agency Contact: Earsa Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA92

1825. APPENDIX G, CONTINUOUS TURBULENCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None.

Abstract: This proposal would have reviewed Appendix G (Continuous Gust Design).

Timetable:

Action	Date	FR Cite
Project terminated	06/27/86	

Small Entity: No

Additional Information: JAR-25 is a document developed jointly and accepted by the airworthiness authorities of various European countries for type certification of large airplanes. JAR-25 is based on FAR Part 25; however, there are certain specified differences in the requirements of the two documents. The original intent of this rulemaking project was to resolve differences between FAR and JAR requirements. However, the JAR Study Group is now proposing changes to the JAR which will bring those requirements more in line with the FAR, thereby eliminating the need for this rulemaking. Regional decision made to cancel project.

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AB20

1826. TYPE CERTIFICATION PROCEDURES - SPECIAL CLASSES OF AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None.

Abstract: This amendment will revise Part 21 to the FAR to provide procedures for the type certification of special classes of aircraft. Special classes of aircraft include gliders (including self-launching gliders), airships, and other kinds of aircraft that would be eligible for a standard airworthiness certificate but for which no airworthiness standards have as yet been established as a separate part of subchapter C of the FAR. An example of such standards are those designated by advisory circular (AC) 21.23-1 for the type certification of fixed-wing gliders under Section 21.23. This amendment broadens the concept presently applied to gliders to include airships and nonconventional aircraft as the need may arise.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 42368
NPRM Comment Period End	12/17/85	
Final Action	03/13/87	52 FR 8040

Small Entity: Undetermined

Additional Information: Docket No. 24804

Analysis: Regulatory Evaluation

Agency Contact: Lou Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9597**

RIN: 2120-AB44

1827. DEALER'S AIRCRAFT REGISTRATION CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501

CFR Citation: 14 CFR 47

Legal Deadline: None.

Abstract: Proposed amendment to expand eligibility for obtaining a Dealer's Registration Certificate to resident aliens and certain non-citizen corporations.

Timetable:

Action	Date	FR Cite
Action terminated	02/04/87	

Small Entity: Undetermined

Agency Contact: Julie A. Stanford, Aircraft Regulation Specialist, Department of Transportation, Federal

Aviation Administration, P.O. Box 25724, Oklahoma City, OK 73125, 405 686-2284

RIN: 2120-AB49

1828. HELICOPTER MINIMUM FLIGHTCREW

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(A); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(G); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None.

Abstract: This project proposed to revise Parts 27 and 29 to require a minimum of two pilots if the power control(s) (throttles) are not a part of the collective control.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48786
ANPRM Comment Period End	06/06/86	
Withdrawn	01/15/87	52 FR 1635

Small Entity: No

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, 817 624-5109

RIN: 2120-AB86

1829. SPECIAL FLIGHT AUTHORIZATION FOR NOISE-RESTRICTED AIRCRAFT - SFAR 47

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 106(g); PL 97-449; PL 96-193

CFR Citation: 14 CFR 91

Legal Deadline: None.

Abstract: Extended SFAR 47 for one year until December 31, 1987 and reduced the purposes for which a special flight authorization may be issued.

Timetable:

Action	Date	FR Cite
Final Action	12/31/86	51 FR 47219
Final Action Effective	01/01/87	

Small Entity: No

Analysis: Environmental Assessment 06/26/86

Agency Contact: Richard Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120-AC21

1830. ● IFR ALTITUDES

Significance: Nonsignificant

Legal Authority: None

CFR Citation: 14 CFR 95

Legal Deadline: None.

Abstract: This part prescribes altitudes governing the operation of aircraft under IFR on Federal airways, jet routes, area navigation low or high routes, or other direct routes for which a MEA is designated in this part. In addition, it designates mountainous areas and changeover points.

Timetable:

Action	Date	FR Cite
End Review	10/00/86	

Small Entity: No

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 95 has a significant economic impact on a substantial number of small entities.

Agency Contact: John S. Kern, Director of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8237

RIN: 2120-AC31

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

1831. ● + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is requesting information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA). This action has been initiated in response to a petition filed by the National Industrial Transportation League (NITL).

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	12/00/87	

Small Entity: No

Additional Information: A 120 day public comment period will be provided for the ANPRM.

Analysis: Reg. Evaluation 12/00/87

Agency Contact: David C. Oliver, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1354

RIN: 2125-AB70

1832. ● + BLOOD ALCOHOL CONCENTRATION STANDARD FOR COMMERCIAL VEHICLE OPERATORS

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12008; 49 USC App. 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, October 27, 1988.

Abstract: The FHWA is requesting comments from interested parties concerning the establishment of a commercial driver blood alcohol

DOT—FHWA **Prerule Stage**

concentration (BAC) standard. This action is in response to Congress' enactment of the Commercial Motor Vehicle Safety Act of 1986 (Act). Section 12008 of the Act calls for the National Academy of Sciences (NAS) to conduct a study of the appropriateness of selecting one of several alternative BAC levels as the level at which a person operating a commercial motor vehicle would be deemed to be driving under the influence of alcohol. Based on the results of the study and the rulemaking comments, the Secretary of Transportation must promulgate a commercial driver BAC standard. States would be required to enact laws providing that any driver who operates a commercial motor vehicle at the Federal BAC level or above it is deemed to be driving under the influence of alcohol. States not enacting a BAC-level law for commercial motor vehicle drivers risk the loss of Federal-aid highway funds. The comments received will be made available to the NAS and will serve as the docket comments, along with the NAS study for a future Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9192
ANPRM Comment Period End	05/22/87	

Small Entity: No

Analysis: Reg. Evaluation 02/00/88

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB79

1833. HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Significance: Nonsignificant

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 00/00/00

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, 202 366-0791

RIN: 2125-AB32

1834. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; RESTRUCTURE

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: The FHWA is considering the need for a new Manual on Uniform Traffic Control Devices (MUTCD) and a new format. The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. The FHWA is interested in possible ways to simplify, clarify, or expedite the present format and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/09/86	51 FR 20840
ANPRM Comment Period End	07/20/87	51 FR 20840
ANPRM Extend Comment Period to	09/01/87	52 FR 11502
NPRM	10/00/87	

Small Entity: No

Additional Information: An extensive public comment period has been provided and will not terminate until July 20, 1987.

Analysis: Reg. Evaluation 10/00/87

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2184

RIN: 2125-AB57

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Federal Highway Administration (FHWA)

1835. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Legal Deadline: None.

Abstract: This rulemaking action will address the general provisions regarding the Motor Carrier Safety Regulations (FMCSR) contained in Part 390 of 49 CFR. This rulemaking is being undertaken to implement section 206 of the Motor Carrier Safety Act (MCSA) of 1984 which mandated the reissuance of the FMCSR. Part 390 deals with motor carrier definitions and general provisions regarding motor carrier operations. This entry appeared in the April 1985 Regulatory Agenda under "Retail Fertilizer Distribution Exemption." Pursuant to section 206 of the MCSA, the ANPRM on retail fertilizer distribution exemption (2/10/82, 47 FR 5273) was withdrawn on 1/23/85 (50 FR 2998). This rulemaking action will incorporate the comments made to the 2/10/82 ANPRM since the provisions relating to exemptions for retail fertilizer equipment are contained in Part 390.

Timetable:

Action	Date	FR Cite
ANPRM Fertilizer	02/10/82	47 FR 5273
ANPRM	01/23/85	50 FR 2998
Fertilizer ANPRM Withdrawn	01/23/85	50 FR 2998

Action	Date	FR Cite
ANPRM	03/11/85	50 FR 2998
Comment Period End		
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation 04/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA34

1836. + QUALIFICATION OF DRIVERS; DRUGS; POST-ACCIDENT TESTING

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 23 USC 315

CFR Citation: 49 CFR 391

Legal Deadline: None.

Abstract: The FHWA is requesting comments on a proposal to amend the Federal Motor Carrier Safety Regulations (FMCSR) to make commercial motor vehicle drivers subject to alcohol and drug testing following involvement in a fatal accident, and to make the drug abuse regulations applicable to certain nondriving motor carrier personnel. Prior to this supplemental advance notice of proposed rulemaking (SANPRM), the FHWA issued a combined final rule and advance notice of proposed rulemaking (ANPRM) 51 FR 17568; May 13, 1986). The ANPRM requested comments and information on the following questions: (1) should drug screening for drivers be mandated or be a recommended industry practice; (2) should the prohibited nonalcoholic drugs list include all controlled substances on the Drug Enforcement Administration's Schedules of Controlled Substances; and (3) should confirmatory drug testing be mandated. This SANPRM gives notice that the FHWA is broadening the scope of its anti-drug proposal affecting all interstate or foreign commercial drivers. A single notice of proposed rulemaking will be published on this subject after the responses (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM	05/13/86	51 FR 17568
Extension Notice	07/08/86	51 FR 24722
ANPRM Comment Period End	08/11/86	51 FR 17568
NPRM	12/00/87	
Extension Notice	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: received to the May 13 ANPRM and this SANPRM have been fully considered.

Analysis: Reg. Evaluation 12/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2987

RIN: 2125-AA79

1837. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None.

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The proposed revisions will require motor carriers to comply with Federal inspection standards, a State inspection program or an authorized self-inspection program. The FHWA also proposes to add two definitions contained in section 204 of the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	
NPRM	02/26/87	52 FR 5913
NPRM Comment Period End	04/27/87	52 FR 5913
Final Action	02/00/88	

Small Entity: No

Additional Information: The NPRM will propose revisions after having fully taken into account the public comments received to the ANPRM (01/10/85, 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made thereto will be the subject of a separate rulemaking action. See "Proposed Rule Stage" portion of agenda.

Analysis: Regulatory Evaluation 02/26/87 (52 FR 5913)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB34

1838. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Legal Deadline: Statutory, April 30, 1986.

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) is to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have

deleterious effects on drivers. This rulemaking will be a comprehensive effort, and thus the Agency will incorporate certain other regulatory actions which have been proposed but have not yet been completed. There is no alternative to the overall reissuance of the FMCSR. However, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	

Next Action Undetermined

Small Entity: No

Additional Information: (ABSTRACT CONT:) the agency intends to propose specific changes to the FMCSR which will then be fully analyzed, including a full range of alternatives to each proposal. Similarly, potential costs and benefits cannot now be identified, but rather must await the development of a notice of proposed rulemaking. This rulemaking is significant because of substantial public interest. Due to the amount of subject matter which this rulemaking action addresses, each Part (390-399) will be addressed in separate rulemakings. Comments received in response to this action will be considered as appropriate regarding the separate rulemaking actions. See "Proposed Rule Stage" and "Final Rule Stage" portions of the agenda for actions resulting from this entry.

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB35

1839. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: None.

Abstract: This rulemaking action responds to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to the jurisdiction of the DOT. Public comment has been requested pursuant to an ANPRM 01/10/85.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	02/26/87	52 FR 5892
NPRM Comment Period End	04/27/87	52 FR 5892
Final Action	01/00/88	

Small Entity: No

Additional Information: For the rulemaking action specifically addressing 49 CFR 393.42 (Front Wheel Brakes), see the entry entitled "Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes," in the "Final Rule Stage" portion of the agenda, RIN 2125-AB63.

Analysis: Reg. Evaluation 02/26/87 (52 FR 5892)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB45

1840. + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. This proposal would establish the duties of employers and drivers regarding employee safety and health. A motor carrier would be responsible for furnishing to each driver a place of employment that is free from recognized hazards that cause or are likely to cause death or injury to drivers. A driver would be responsible for cooperating with a motor carrier's safety program. It is anticipated that this general duty rule will cover those aspects of the driver environment (such as hot surfaces, lack of insulation, and broken equipment in or on the vehicle) that are not covered by present standards under the FMCSR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	11/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB50

1841. + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is proposing to amend Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) to (1) relax the requirement concerning a spare set of corrective lenses, (2) add language to include pretrip inspection of hazardous materials-laden vehicles and cargo tanks, (3) require drivers of hazardous materials-laden vehicles to notify emergency response personnel anytime a vehicle is disabled because of an accident or if the driver suspects an unintentional release of hazardous materials, (4) strengthen the disqualification criteria of drivers of hazardous materials-laden vehicles, (5) require a means of communication between the driver and passengers on an articulated vehicle, (6) delete the time requirement for the operation of head lamps, and (7) delete the prohibited practice rule concerning unauthorized passengers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	11/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Mr. Neill L. Thomas, Chief, Development Branch, Bureau of Motor Carrier Safety, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB51

1842. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; BOAT TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 23 USC 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is seeking comments on a request to designate boat transporters as specialized equipment under provision of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Of prime concern are comments and information on the following issues relating to boat transporters: maneuvering characteristics, safety, control, offtracking, crosswind effects, and the need for overall length limits on boat transporters. Information on the similarities and dissimilarities between boat transporters and auto transporters would be most helpful as would information on the consistency of truck configurations used for hauling boats. The FHWA would also appreciate comments regarding the need to preempt current State regulation of this vehicle, as well as an actual definition and description of boat transporters. Comments are also being sought on the types of vehicles that should be considered as specialized equipment as well as an actual definition.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/86	51 FR 10234
ANPRM Comment Period End	05/09/86	51 FR 10234
NPRM	07/00/87	
Final Action	04/00/88	

Small Entity: No

Analysis: Reg. Evaluation 07/00/87

Agency Contact: Ed Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB55

1843. + QUALIFICATION OF DRIVERS; HAZARDOUS MATERIALS DRIVERS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None.

Abstract: A notice of proposed rulemaking (NPRM) will supercede the initial NPRM published on May 13, 1986 (51 FR 17572). The May 13, 1986, NPRM proposed to establish stricter driver qualification rules for drivers of vehicles containing certain classes of hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17572
NPRM Comment Period End	08/11/86	51 FR 17572
NPRM Supplemental	07/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Reg. Evaluation 07/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB64

1844. + SEMITRAILER-SEMITRAILER; B-TRAIN

Significance: Regulatory Program

Legal Authority: 23 USC 325; PL 97-424, Sec 411; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA will request comments on a proposal to interpret 23 CFR 658.13 such that a combination of vehicles described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for purposes of 23 CFR 658. It is FHWA's intent to implement the Surface Transportation Assistance Act of 1982 so that all configurations that offer safety and productivity advantages will be recognized under the regulations. This action is significant because of industry interest and that of the general public.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
NPRM Supplemental	06/00/87	
Final Action	01/00/88	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Ed Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB66

1845. + NATIONAL COMMERCIAL-VEHICLE DRIVER-LICENSING STANDARDS; SINGLE-LICENSE STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, July 15, 1988.

Abstract: The Department of Transportation (DOT/FHWA) is considering a revision to its Federal Motor Carrier Safety Regulations (FMCSR) which would require certain commercial vehicle drivers to have a single classified driver's license. The ANPRM seeks public comment on the desirability, scope, and practical implementation of a single classified driver's license system. This rulemaking is significant because of the public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/86	51 FR 27567
ANPRM Comment Period End	11/05/86	51 FR 35538
NPRM	06/00/87	
Final Action	07/00/88	

Small Entity: No

Analysis: Reg Evaluation 06/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB68

1846. ● + TRUCK SIZE AND WEIGHT; SPECIAL PERMITS

Significance: Regulatory Program

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: This rulemaking action will delete language pertaining to the issuance of special permits in section 658.17 and will request that States identify grandfather rights claimed for single and tandem axle weight, gross weight, alternate bridge formula and special permit authority. The weights identified as having been determined by the States will be recognized as grandfather rights.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	02/00/88	

Small Entity: No

Analysis: Reg. Evaluation 05/00/87

Agency Contact: John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB80

1847. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jocelyn Karp (202) 366-4063.

Analysis: Reg. Evaluation 04/00/87

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125-AB10

1848. + MINIMUM REQUIREMENTS FOR PRIVATE MOTOR CARRIERS OF PASSENGERS AND DRIVERS OF PRIVATE MOTOR VEHICLES OF PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 384

Legal Deadline: None.

Abstract: The FHWA is considering proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	08/00/87	

Small Entity: No

Analysis: Reg. Evaluation 08/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB62

1849. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980. This rulemaking action is considered significant because of the public interest in the issue being considered. This rulemaking action will also address the issue of requiring all for-hire motor carriers of passengers to carry evidence of having obtained financial responsibility meeting the statutory minimums in any motor vehicle being operated in for-hire service. A petition was filed by the American Bus Association (ABA).

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
NPRM	04/00/87	

Small Entity: No

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor

carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule.

Analysis: Reg. Evaluation 04/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB65

1850. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None.

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AA19

1851. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: This revision will update and simplify existing Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
NPRM Supplemental	09/00/87	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Analysis: Reg Evaluation 09/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AA18

1852. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None.

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA27

1853. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None.

Abstract: The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. No action is anticipated within the next 12 months.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2991

RIN: 2125-AA36

1854. PAVEMENT DESIGN POLICY

Significance: Nonsignificant

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None.

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO has approved a new Pavement Design Guide. FHWA will solicit public comment on the revised guide and evaluate whether the revised guide should be adopted for application on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: A Federal Register notice was published on 4/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Analysis: Reg. Evaluation (Minimal impact) 04/00/87

Agency Contact: Norman Van Ness, Department of Transportation, Federal Highway Administration, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-1324

RIN: 2125-AA88

1855. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The proposed was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 01/18/85 (50 FR 2694)

Agency Contact: Daniel S. O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4608

RIN: 2125-AB05

1856. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACTS; EQUAL OPPORTUNITY COMPLIANCE REVIEW; PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None.

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB08

1857. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None.

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Analysis: Reg. Evaluation (Minimal impact) 11/22/82 (47 FR 52470)

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1588

RIN: 2125-AB15

1858. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	06/00/87	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB18

1859. RAILROAD-HIGHWAY PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will

incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways. Upon a review of comments received to the NPRM, it has been decided that a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period End	04/22/85	
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Regulatory Evaluation (min. impact) 02/20/85 (50 FR 7067)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AB25

1860. ADMINISTRATION OF CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402

CFR Citation: 23 CFR 172

Legal Deadline: None.

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation (min. impact) 04/00/87

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AB30

1861. STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINARIES AND TRAFFIC SIGNALS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None.

Abstract: This rulemaking action will address the revisions to the 1975 AASHTO publication entitled "Standard Specification for Structural Supports for Highway Signs, Luminaries and Traffic Signals" which is incorporated in 23 CFR Part 625 as a specification. In May of 1985, the American Association of State Highway and Transportation Officials (AASHTO) approved a new edition of the 1975 edition. The AASHTO is currently in the final stages of printing the new edition. Once published, FHWA will publish a Notice of Proposed Rulemaking (NPRM) requesting public comment on the application of the 1985 edition to Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40817
NPRM Comment Period End	05/11/87	51 FR 40817
Final Action	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation 11/10/86 (51 FR 40817)

Agency Contact: Donald J. Voelker, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1333

RIN: 2125-AB56

1862. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None.

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB58

1863. PROPERTY MANAGEMENT AND DISPOSALS

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None.

Abstract: The FHWA intends to publish an NPRM to update its property management and disposal regulations relative to the Federal-aid highway program. It will reflect current departmental decisions and policies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/00/87

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125-AB60

1864. ● NATIONAL BRIDGE INSPECTION STANDARDS; FREQUENCY OF INSPECTION AND INVENTORY

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 116(d); 12 USC 144; 23 USC 315

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The FHWA is requesting comments to a proposal to revise the National Bridge Inspection Standards (NBIS). The revised regulation would

DOT—FHWA — Proposed Rule Stage

permit States to increase the maximum time interval between the inspections for certain types or groups of bridges, as opposed to retaining the mandatory 2-year interval as required by regulations currently in effect. The proposed revisions would also require that States identify those bridges having fracture critical members or bridges which warrant underwater inspection consideration. The proposed revisions would provide State highway agencies greater flexibility with which to use available inspection resources in a cost-effective manner. It is intended that the proposed revisions would encourage efficient use of resources while ensuring that the safety of the traveling public is protected.

Timetable:

Action	Date	FR Cite
NPRM	04/07/87	52 FR 11092
NPRM Comment Period End	06/08/87	52 FR 11092

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 04/07/87 (52 FR 11092)

Agency Contact: John J. Ahlskog, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4617

RIN: 2125-AB71

1865. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/87.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 12/00/87

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2184

RIN: 2125-AA37

DEPARTMENT OF TRANSPORTATION (DOT) — Final Rule Stage

Federal Highway Administration (FHWA)

1866. + SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Significance: Regulatory Program

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Legal Deadline: None.

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment be equipped with such devices. The revisions to 49 CFR 393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14630
Comment Period Extended	06/11/85	50 FR 24549
NPRM Comment Period End	08/12/85	50 FR 24549
Determination of Next Appropriate Action	03/31/87	

Small Entity: Yes

Additional Information: The public comment period was extended to 8/12/85 by a notice published on 6/11/85 (50 FR 24549).

As part of the Surface Transportation Reauthorization bill, introduced for consideration in the last Congress and reintroduced in this session, the Administration proposed a provision that would amend the existing splash and spray suppression-devices statute. The amendment is intended to give greater flexibility to the Department in dealing with this problem and to ensure that the Department's final decision can take the costs and benefits of various alternatives fully into account.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/12/85 (50 FR 14630)

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA84

1867. + TRUCK SIZE AND WEIGHT; GRANDFATHER SEMITRAILER LENGTHS

Significance: Regulatory Program

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An analysis of comments to the March 1, 1985 NPRM indicates insufficient rationale to establish grandfathered semitrailer lengths in all States. A final rule will be prepared and will establish the grandfather semitrailer lengths for States where adequate documentation exists. For those other States, the FHWA will request additional information and comments.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	50 FR 8342
NPRM Comment Period End	04/30/85	50 FR 8342
Final Action	08/00/87	

Small Entity: No

Additional Information: A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the headquarters office of FHWA, 400 Seventh Street, S.W., Washington, D.C.

Analysis: Regulatory Evaluation (min. impact) 03/01/85 (50 FR 8342)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB26

1868. + TRUCK SIZE AND WEIGHT; TANDEM TRUCK SAFETY ACT

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action addresses (1) conditions under which segments of the National System of Interstate and Defense Highways may be deleted from the National Truck Network, (2) conditions affecting the designation of new routes on the Federal-Aid Primary System as part of the National Truck Network, and (3) new provisions for 102-inch wide 28 1/2-foot semi-trailers. The issue relative to the qualifications of highways previously designated with lane widths less than 12 feet is the subject of a separate rulemaking action. See "Nonsignificant Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	09/18/85	50 FR 37970
NPRM Comment Period End	11/04/85	50 FR 37970
Final Action	04/00/87	

Small Entity: No

Additional Information: This action had previously been characterized as significant in the agenda. Upon further review, it has been determined that since this rulemaking proposes to technically amend the June 5, 1984, final rule on Truck Size and Weight and to finalize certain issues left unresolved, it is not considered significant. A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, D.C.

Analysis: Regulatory Evaluation 09/18/85 (50 FR 37970)

Agency Contact: Mr. John Magowan, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4032

RIN: 2125-AB28

1869. + HOURS OF SERVICE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 395

Legal Deadline: None.

Abstract: Section 206 of the Motor Carrier Safety Act of 1984 (Act) directs the DOT to reissue regulations pertaining to commercial motor vehicle safety. On November 23, 1984, the FHWA published a final rule at 49 FR 46145 regarding Hours of Service in order to comply with an opinion of the United States Court of Appeals for the District of Columbia Circuit. A docket was opened (MC-99-1) in order to request comments for further consideration of revisions to the requirement of the driver's record of duty status. Pursuant to section 206 of the Act, an ANPRM was issued (1/23/85; 50 FR 2998) and again requested comments regarding the requirement for recorded hours of service. This rulemaking action will incorporate all comments received to the above mentioned published rulemaking actions. This document will consider the possible elimination of certain items required on the driver's record of duty status and extending the 12-hour limitation in the 100 mile radius exemption to 15 hours or permitting a 50 mile radius rule as an option with the 15 hour rule. This rulemaking is considered significant because of the potential cost savings which may result from (con't)

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	05/09/86	51 FR 17214
NPRM Comment Period End	06/09/86	51 FR 17214
Extension Notice	07/08/86	51 FR 24722
Final Action	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: the reduction in requirements for maintaining the driver's record of duty status. Previous RIN for published final rule on 11/23/84 is 2125-AB22. By notice dated 07/08/86 (51 FR 24722), the NPRM comment period was extended to 08/18/86.

Analysis: Reg. Evaluation 05/09/86 (51 FR 17214)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB39

1870. + TRUCK SIZE AND WEIGHT; AUTOMOBILE TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: The FHWA is proposing revisions to certain provisions established by the final rule on truck size and weight published at 49 CFR 23302 on June 5, 1984. This action proposes: (1) a definition for an automobile-transporter; (2) a minimum 75-foot overall length for a stinger-steered automobile-transporter; (3) the allowance of triple saddlemount combinations with a minimum length of 65 feet; and, (4) no overall length limitations for conventional tractor-semitrailer automobile transporters when the semitrailer is 48 feet in length. The purpose of this rulemaking action is

to clarify and further define certain issues contained in the June 5, 1984, final rule.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/84	49 FR 38956
ANPRM Comment Period End	11/17/84	49 FR 38956
NPRM	11/25/85	50 FR 48431
NPRM Comment Period End	01/09/86	50 FR 48431
Final Action	05/00/87	

Small Entity: No

Additional Information: A Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the Headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation (Min. Impact) 11/25/85 (50 FR 48431)

Agency Contact: Chester F. Phillips, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2251

RIN: 2125-AB42

1871. + TRUCK SIZE AND WEIGHT; LANE WIDTHS

Significance: Regulatory Program

Legal Authority: 23 USC 315; PL 97-424, Sec 416; PL 98-554, Sec 105; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: By this action, the FHWA is taking steps to implement the 12-foot-wide lane provisions contained in the Surface Transportation Assistance Act of 1982 (STAA) as amended by the Tandem Truck Safety Act of 1984 (TTSA). An ANPRM published 4/1/85 at 50 FR 12825 identified for re-examination specific routes on the National Network containing sections with lanes less than 12 feet wide in those States which do not otherwise permit 102-inch wide vehicles on the National Network, pursuant to State law. These States are Alabama, Florida, Kentucky, Maryland, Missouri, New Hampshire, New Jersey, New York, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virginia. After a review, FHWA intends to propose the deletion of highways with lane widths less than 12 feet wide if such designation is found to be inconsistent with highway safety. The FHWA is soliciting information, data and comments concerning these routes that may assist in the review.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/85	50 FR 12825
ANPRM Comment Period End	05/16/85	50 FR 12825
NPRM	03/12/86	51 FR 8511
NPRM Comment Period End	05/11/86	51 FR 8511
Final Action	06/00/87	

Small Entity: No

Additional Information: Further Agency Contact is Mr. D. C. Oliver, (202) 366-1354. Also, a Regulatory Impact Analysis which had been prepared for the June 5, 1984, final rule on truck size and weight provisions is available for inspection in the headquarters office of FHWA, 400 Seventh Street, SW, Washington, DC.

Analysis: Reg. Evaluation 03/00/86 (51 FR 8511)

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB43

1872. + SAFETY FITNESS DETERMINATION

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None.

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 requires the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments are being requested regarding the proposed changes in the current safety rating procedures and a new proposal for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23088
NPRM Comment Period End	08/11/86	51 FR 23088
Final Action	07/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/25/86 (51 FR 23088)

Agency Contact: Gary E. Curtis, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1795

RIN: 2125-AB46

1873. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d)

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). The FHWA is now issuing a final rule to implement section 324 of the Act Making Continuing Appropriations for Fiscal Year 1987, Pub. L. 99-591. This section amended section 411(f) of the Surface Transportation Assistance Act (STAA) of 1982 (Pub. L. 970424) to authorize the "maxi-cube" vehicle to operate on the National Network in the same way as vehicles authorized by section 411(d) of the STAA of 1982. The maxi-cube is a particular combination of vehicle described in the law. The ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940

DOT—FHWA **Final Rule Stage**

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7085
Supplemental		
Final Action	05/00/87	

Small Entity: No

Additional Information: A supplemental ANPRM was issued on February 28, 1986 (51 FR 7085), and provided additional information on the vehicle combination referred to as "Maxi-Cube." Comments were requested until March 17, 1986. The supplemental ANPRM will also be withdrawn.

Analysis: Reg Evaluation (Minimal Impact) 04/00/87

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-5370

RIN: 2125-AB48

1874. ● + ACCOMMODATION OF UTILITIES; LONGITUDINAL UTILITY USE OF FREEWAY RIGHT-OF-WAY

Significance: Regulatory Program

Legal Authority: 23 USC 109; 23 USC 116; 23 USC 315

CFR Citation: 23 CFR 645

Legal Deadline: None.

Abstract: The FHWA is proposing to revise its regulation on the accommodation of utility facilities and private lines on the right-of-way of Federal-aid and direct Federal highway projects to clarify requirements regarding utility use of Federal-aid highways and to modify the conditions under which certain types of utilities may be located longitudinally on Federal-aid freeways (Interstate highways). This action considers the interest expressed by the telecommunication industry to gain access to the Interstate System for installation of underground fiber optics cable systems.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45479
Comment Period Extended to 03/17/87	02/11/87	52 FR 4349
NPRM Comment Period End	02/17/87	51 FR 45479
Final Action	07/00/87	

Small Entity: No

Additional Information: A general notice was published in the Federal Register on April 1, 1986 (51 FR 11055) announcing the intention of FHWA to initiate reexamination of its regulation and policy on longitudinal use of Interstate right-of-way.

Analysis: Reg. Evaluation 12/19/86 (51 FR 45479)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125-AB76

1875. ● + NATIONAL COMMERCIAL-VEHICLE DRIVER-LICENSING STANDARDS; REQUIREMENTS AND PENALTIES

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12003; PL 99-570, Sec 12004; 49 USC 2505; 49 USC 3102

CFR Citation: 49 CFR 391

Legal Deadline: Statutory, July 1, 1987.

Abstract: Sections 12003 and 12004 of Pub. L. 99-570 require certain requirements to be in place by July 1, 1987, regarding motor vehicle traffic violations (other than parking). The State and employer must be notified within 30 days of violations committed by commercial vehicle drivers. Also no employer, effective July 1, 1987, shall knowingly allow, permit, or authorize an employee to operate a commercial motor vehicle in the United States during any period in which an employee has more than one driver's license, or has a driver's license suspended, revoked, or cancelled by a State.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation 06/00/87

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2963

RIN: 2125-AB78

1876. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c); 49 USC 303

CFR Citation: 23 CFR 771; 49 CFR 622; 23 CFR 790; 23 CFR 635.309; 23 CFR 640.107; 23 CFR 650.109; 23 CFR 712.204

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Marner, UMTA (202) 366-0096.

Analysis: Regulatory Evaluation 08/01/83 (48 FR 34894)

Agency Contact: Fred Skaer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2050

RIN: 2125-AA05

1877. EMERGENCY RELIEF

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155

CFR Citation: 23 CFR 668

Legal Deadline: None.

Abstract: This rulemaking will revise procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered

serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	09/17/85	50 FR 37688
NPRM Comment Period End	12/16/85	50 FR 37688
Final Action	04/00/87	

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation.

Analysis: Reg. Evaluation (Minimal impact) 09/17/85 (50 FR 37688)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125-AA50

1878. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Significance: Nonsignificant

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Legal Deadline: None.

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 06/00/87

Agency Contact: Larry C. Hanna, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0673

RIN: 2125-AA64

1879. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125-AA87

1880. NAVIGATIONAL CLEARANCES FOR BRIDGES

Significance: Nonsignificant

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; 33 USC 525; 33 USC 535

CFR Citation: 23 CFR 650

Legal Deadline: None.

Abstract: The proposed regulation would establish FHWA policy and would set forth coordination procedures for Federal-aid highway bridges which require navigational clearances.

Timetable:

Action	Date	FR Cite
NPRM	04/11/85	50 FR 14251
NPRM Comment Period End	07/11/85	50 FR 14251
Final Action	04/00/87	

Small Entity: No

Additional Information: A 90 day comment period was provided.

Analysis: Reg. Evaluation (Minimal impact) 04/11/85 (50 FR 14251)

Agency Contact: Philip Thompson, Hydraulics Engineer, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125-AB07

1881. REQUIRED CONTRACT PROVISIONS

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 315

CFR Citation: 23 CFR 633

Legal Deadline: None.

Abstract: This revision will restructure the existing regulation and remove from it all provisions covered by other regulations. This will facilitate the handling of FHWA form 1273 as a non-regulatory action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AB20

1882. LABOR AND EMPLOYMENT

Significance: Nonsignificant

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None.

DOT—FHWA

Final Rule Stage

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the payment of Federal-aid funds for the excess labor costs due to State prevailing wage rates which are higher than those determined by the Department of Labor on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 30137
NPRM Comment Period End	11/12/85	50 FR 30137
Final Action	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 30137)

Agency Contact: Ruth Anders, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1394

RIN: 2125-AB37

1883. AGREEMENT PROVISIONS REGARDING OVERRUNS IN CONTRACT TIME

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320

CFR Citation: 23 CFR 630

Legal Deadline: None.

Abstract: The revised regulations would require each State highway agency (SHA) to keep liquidated damage provisions current so that amounts recovered through contractor assessments would at a minimum cover SHA's average daily construction engineering cost attributable to the contract time overrun. The FHWA rate table presently in the regulation would be removed and the provisions for FHWA recovery of costs would be modified.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9417
NPRM Comment Period End	05/02/86	51 FR 9417
Final Action	04/00/87	

Small Entity: No

Analysis: Reg Evaluation (Minimal Impact) 03/18/86 (51 FR 9417)

Agency Contact: Bob B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125-AB49

1884. REIMBURSEMENT FOR RAILROAD WORK

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 120(d); 23 USC 130; 23 USC 315

CFR Citation: 23 CFR 140

Legal Deadline: None.

Abstract: The FHWA is proposing to amend its regulation on reimbursement for railroad work to allow Federal-aid highway funds to be used to pay for various overhead and indirect construction costs incurred by railroad forces accomplishing work on Federal-aid highway projects.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 44996
NPRM Comment Period End	02/17/87	51 FR 44996
Final Action	08/00/87	

Small Entity: No

Additional Information: A 60-day comment period was provided.

Analysis: Reg. Evaluation (Min. Impact) 12/17/86 (51 FR 44996)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4652

RIN: 2125-AB59

1885. ● CARGO PREFERENCE

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 114; 23 USC 315; 23 USC 113; 23 USC 128; 31 USC 6506; 42 USC 3334; 42 USC 4602 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None.

Abstract: The Federal Highway Administration (FHWA) is incorporating into its regulations the cargo preference requirements as mandated by the Cargo Preference Act of 1954 (Act) and its implementing regulations (46 CFR 381) developed by the Maritime Administration (MARAD). This final rule clarifies policies and procedures for the application of the Act's requirements to Federal-aid highway construction projects.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Analysis: Reg. Evaluation (Min Impact) 04/00/87

Agency Contact: Charles Foslien, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0355

RIN: 2125-AB73

1886. ● MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; ENVIRONMENTAL RESTORATION

Significance: Nonsignificant

Legal Authority: 49 USC 10927 note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA issued an interim final rule to redefine "environmental restoration" as that term is used in FHWA's financial responsibility regulations. This action was taken in response to a joint petition filed by the American Insurance Association (AIA) and the American Trucking Associations (ATA), and because of the current insurance crisis facing the motor carrier industry. This action made clear the motor carriers are required to provide evidence of financial responsibility to satisfy claims for damage to human health and to the environment including necessary restoration costs, but not for potential or speculative damages for which they would not otherwise be found liable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/86	51 FR 33854

Next Action Undetermined

Small Entity: No

Additional Information: Upon issuances of the interim final rule, the FHWA

DOT—FHWA

Final Rule Stage

gave notice that comments would be accepted on the rulemaking action. A comment period was provided and Docket No. MC-126; Amendment No. 83-14 was established to receive comments. The FHWA will consider all comments and information received in order to determine whether to make the change permanent.

Analysis: Reg. Evaluation 09/23/86 (51 FR 33854)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB77

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1887. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; FRONT-WHEEL BRAKES

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2509

CFR Citation: 49 CFR 393

Legal Deadline: Statutory, January 25, 1987.

Abstract: This rulemaking action amends the Federal Motor Carrier Safety Regulations (FMCSR) by revising the brake rules which currently allow trucks and truck tractors having three or more axles to be operated with no brakes on the front wheels. This action is intended to enhance the operational safety of commercial motor vehicles on the Nation's highways by establishing rules that are consistent with those of the National Highway Traffic Safety Administration (NHTSA) that govern the manufacture of new motor vehicles. It is significant because of public interest involved.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	07/03/86	51 FR 24413
NPRM Comment Period End	08/04/86	51 FR 24413
Final Action	01/27/87	52 FR 2801

Small Entity: No

Additional Information: An ANPRM addressing the entire Part 393 of 49 CFR was published on January 10, 1985, at 50 FR 1245. This rulemaking action addresses section 393.42 of Part 393 separately. For the rulemaking action dealing with the other portions of Part 393, see the entry entitled "Parts and Accessories Necessary for Safe Operation" located in the "Proposed Rule Stage" section of the agenda (RIN 2125-AB45).

Analysis: Reg. Evaluation 01/27/87 (52 FR 2801)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB63

1888. + MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; EVIDENCE

Significance: Agency Priority

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None.

Abstract: The FHWA is considering seeking public comment regarding the merits of a formal petition requesting the promulgation of a new regulation requiring all for-hire motor carriers of passengers to carry evidence of having obtained financial responsibility (insurance) meeting the statutory minimums in any motor vehicle being operated in for-hire service. The petition was filed by the American Bus Association (ABA). These issues will be addressed in the rulemaking action under RIN 2125-AB65. See entry in "Proposed Rule Stage" section of the agenda.

Timetable:

Action	Date	FR Cite
Merged with RIN 2125-AB65	01/05/87	

Small Entity: No

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB61

1889. WRITTEN EXAMINATION

Significance: Nonsignificant

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391.35

Legal Deadline: None.

Abstract: This rulemaking action will be issued in order to implement section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance by the FHWA of regulations pertaining to commercial motor carrier safety. Options available to the FHWA regarding the requirement for a written examination for commercial vehicle drivers include (1) rescission of the requirement; (2) retaining the requirement and updating the questions; and, (3) revising the requirement to a pass/fail situation. The issues being addressed in this rulemaking will be incorporated into the rulemaking action under RIN 2125-AB68. See entry in "Proposed Rule Stage" section of the agenda.

Timetable:

Action	Date	FR Cite
ANPRM - Initial	03/04/82	47 FR 4256
ANPRM	01/23/85	50 FR 2998
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
Merged with RIN 2125-AB68	01/05/87	

Small Entity: No

Additional Information: An initial ANPRM on the written examination was published on 3/4/82 (47 FR 4256). Pursuant to section 206 of the Motor Carrier Safety Act of 1984, which required the reissuance of the Federal Motor Carrier Safety Regulations, the initial ANPRM was withdrawn on 1/23/85 (50 FR 2998). Comments made to the initial ANPRM have been incorporated into this rulemaking action.

Agency Contact: Neill Thomas, Department of Transportation, Federal

Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AA33

1890. SAMPLES AND TESTING OF MATERIALS AND CONSTRUCTION

Significance: Nonsignificant

Legal Authority: 23 USC 114; 23 USC 204; 23 USC 206; 23 USC 209; 23 USC 210; 23 USC 315

CFR Citation: 23 CFR 637

Legal Deadline: None.

Abstract: The FHWA is proposing to provide a more effective policy and procedure with regard to sampling and testing of materials and construction in Federal-aid highway projects. The amendments will clarify requirements and provide additional guidance in the areas of acceptance sampling, testing laboratory inspection programs and material certifications.

Timetable:

Action	Date	FR Cite
NPRM	09/20/85	50 FR 38136
NPRM Comment Period End	11/04/85	50 FR 38136
Final Action	11/07/86	51 FR 40415
Final Action Effective	12/08/86	51 FR 40415

Small Entity: No

Analysis: Regulatory Evaluation (min. impact) 11/07/86 (51 FR 40415)

Agency Contact: B.B. Myers, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125-AB31

1891. TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 413; PL 98-17, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None.

Abstract: FHWA is revising certain provisions established by the final rule on truck size and weight published in 49 FR 23302 on June 5, 1984. This notice proposes to: (1) list length exclusive devices under 23 CFR 658.13(e) and (2) list width exclusive devices under 23 CFR 658.15(c). The purpose of these revisions is to clarify confusion among trailer manufacturers and carriers as to how trailer length and width are to be measured in order to comply with the Federal size limits. Length and width exclusive devices are defined in the June 5, 1984, final rule as any device attached to either the sides, front, or rear of a semitrailer or trailer whose function is related to the safe and efficient operation of the unit. However, in keeping with the Surface Transportation Assistance Act of 1982, no device excluded from length or width determination is permitted to be designed or used for carrying cargo. FHWA issued a notice of interpretation regarding length and width exclusive devices.

Timetable:

Action	Date	FR Cite
Notice of Interpretation	03/13/87	52 FR 7834

Small Entity: No

Analysis: Reg. Evaluation 05/00/87

Agency Contact: Edwin E. Rugenstein, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4026

RIN: 2125-AB69

1892. ● NOTIFICATION AND REPORTING OF ACCIDENTS; PROPERTY DAMAGE THRESHOLD

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App. 2505

CFR Citation: 49 CFR 394

Legal Deadline: None.

Abstract: The FHWA is amending Part 394 of the Federal Motor Carrier Safety Regulations (FMCSR) by adjusting the minimum dollar limit for reporting accidents resulting in property damage. This amendment raises the reporting threshold for property damage accidents from the present $4,200 to $4,400. The reporting amount is being adjusted in proportion to the Gross National Product (GNP) inflator published by the Department of Commerce.

Timetable:

Action	Date	FR Cite
Final Action	03/10/87	52 FR 7277

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 03/10/87 (52 FR 7277)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2983

RIN: 2125-AB74

1893. ● MITIGATION OF ENVIRONMENTAL IMPACTS TO PRIVATELY OWNED WETLANDS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq; 23 USC 109(h); 23 USC 138; 23 USC 315

CFR Citation: 23 CFR 777

Legal Deadline: None.

Abstract: This rulemaking action contains technical amendments to clarify the evaluation of adverse impacts to privately owned wetlands so as to determine the extent of Federal-aid participation in the mitigation of such impacts. Because there was confusion in the use of the words "significant" and "significance" in the regulation, these words are being removed.

Timetable:

Action	Date	FR Cite
Final Action	03/17/87	52 FR 8250

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 03/17/87 (52 FR 8250)

Agency Contact: Harold Aikens, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1372

RIN: 2125-AB75

1894. ● ACCOUNTING; RESCISSION OF REGULATIONS

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 11

Legal Deadline: None.

Abstract: This action rescinded FHWA's regulation regarding the collection of accrued unbilled cost information. This action is being taken because FHWA is now able to develop accrued unbilled cost information internally and no longer needs to collect the information from the States.

This action eliminates a quarterly reporting requirement and a related semi-annual review requirement.

Timetable:

Action	Date	FR Cite
Rescission of Regulation	09/12/86	51 FR 32453

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/12/86 (51 FR 32453)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0562

RIN: 2125-AB81

1895. ● NATIONAL STANDARDS FOR SPECIFIC INFORMATION SIGNS; RESCISSION OF REGULATIONS

Significance: Routine and Frequent

Legal Authority: 23 USC 109(d); 23 USC 315

CFR Citation: 23 CFR 655

Legal Deadline: None.

Abstract: This action rescinded the FHWA regulation (23 CFR Part 655, Subpart C) which establishes standards for signs erected within highway rights-of-way to provide directional information for business establishments offering goods and services in the interest of the traveling public. These standards have been added to the Manual on Uniform Traffic Control Devices (MUTCD) by a final rule published on March 13, 1985 (50 FR 1001). The MUTCD is incorporated by reference in 23 CFR Part 655, Subpart F therefore Subpart C of 23 CFR 655 is no longer necessary.

Timetable:

Action	Date	FR Cite
Rescission of Regulation	09/17/86	51 FR 32907

Small Entity: No

Analysis: Reg. Evaluation (Min. Impact) 09/17/86 (51 FR 32907)

Agency Contact: Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2131

RIN: 2125-AB72

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

1896. + REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None.

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/87	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB78

1897. + SIDE IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB85

1898. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AA52

1899. + OCCUPANT CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: ANPRM will request comments on proposing an amendment to Standard No. 208, Occupant Crash Protection, to require Type 2 safety belts in the outboard seating positions in the second seat of passenger cars and MPVs and trucks with GVWR of 10,000 pounds or less. This action is significant because of the recent NTSB report on lap-belt injuries and resultant public interest expected.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Impact Analysis 00/00/00

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB91

1900. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AA65

1901. REVIEW: SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None.

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/86	
End Review	06/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AA69

1902. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 25 USC 1392; 25 USC 1401; 25 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurs after the lamps are introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Report	01/01/87	
Interim Report	01/01/88	
End Review	10/01/89	

Small Entity: Undetermined

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evalution, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127-AB76

1903. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of school bus interior materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA44

1904. CONSUMER INFORMATION - WET STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Legal Deadline: None.

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AA56

1905. VEHICLE CLASSIFICATION - COMPACT VANS/STATION WAGONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571; 49 CFR 523

Legal Deadline: None.

Abstract: Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: S. Wood, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2992

RIN: 2127-AA57

DOT—NHTSA **Prerule Stage**

1906. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
End Review	12/00/87	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB16

1907. VOLUNTARY TIRE REGISTRATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None.

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/83	
Prelim. Evaluation Report Published	09/27/85	50 FR 188

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB18

1908. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None.

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
End Review	09/00/88	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AB43

1909. ● OCCUPANT CRASH PROTECTION: DYNAMIC-TESTING PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: The American Seat Belt Council petitioned the agency to amend Standard No. 208 to require that automatic belts and dynamically tested manual belts meet the webbing requirements of Standard No. 209. NHTSA is currently reviewing the petition, to consider appropriate action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Evaluation type to be determined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC00

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

National Highway Traffic Safety Administration (NHTSA)

1910. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None.

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance

information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Regulatory Impact Analysis

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4805**

RIN: 2127-AA03

1911. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Regulatory Flexibility Analysis

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA12

1912. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA43

1913. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA45

1914. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA48

1915. + SPLASH AND SPRAY SUPPRESSION DEVICES

Significance: Regulatory Program

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Legal Deadline: None. Standard for new vehicles is now required to take effect one year after final rule is published.

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14632
NPRM Comment Period Extended	02/13/86	51 FR 5383
NPRM Comment Period End	04/14/86	51 FR 5383
Determination of Next Appropriate Action	03/31/87	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Preliminary Regulatory Evaluation 04/12/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA97

1916. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None.

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 00/00/00

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB21

1917. + SIDE IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None.

Abstract: Would propose amending the current standard to upgrade thoracic protection in passenger-car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB86

1918. + LIGHTING SIMPLIFICATION--POTENTIAL AMENDMENTS TO SIMPLIFY FMVSS 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. The first is the feasibility of a standard directed toward on-board original equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	05/00/87	

Small Entity: Undetermined

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB87

1919. ● + 1990-1991 MODEL YEAR LIGHT-TRUCK FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory. Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the model year(s).

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light-truck average fuel-

economy standards for Model Years 1990 and 1991.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-21 400 Seventh St., SW, Washington, DC 20590, **202 366-4936**

RIN: 2127-AC05

1920. + DAYTIME RUNNING LIGHTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: A petition was received from the Insurance Institute for Highway Safety (IIHS) on November 8, 1985. It requests that the Federal lighting regulation (FMVSS No. 108) be changed to allow installation of daytime running lights (DRLs) by original equipment manufacturers. Although the existing standard does not specifically prohibit DRLs, some changes to FMVSS No. 108 would be required to accommodate various suggested DRL configurations. NHTSA has exchanged information with Transport Canada on DRLs, and on the evaluation of effectiveness of various DRL configurations. Canada issued a proposed regulation which would require that new vehicles be equipped with DRLs. The agency would like to ensure that changes made in FMVSS No. 108 are compatible with the final technical specifications of Transport Canada. NHTSA plans to take action on the IIHS petition now that the Canadian NPRM is published. Proceeding is significant because of the importance of keeping pace with the Canadian action.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: Ralph J. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4910**

RIN: 2127-AB92

1921. ● + HEAD RESTRAINTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None.

Abstract: Petition for rulemaking to require head restraints on vehicles other than passenger cars. NHTSA is currently reviewing the petition, to determine appropriate action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AC06

1922. HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Nonsignificant

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None.

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA00

1923. PASSENGER CAR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None.

Abstract: Would propose a New Standard No. 135, "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Extended comment period to 01/13/86	09/17/85	50 FR 37702

Action	Date	FR Cite
NPRM Comment Period End	12/16/85	50 FR 19744
NPRM	01/13/86	50 FR 37702
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/00/87	

Small Entity: No

Additional Information: Docket No. 85-06.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA13

1924. REARVIEW MIRROR SYSTEMS: HEAVY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA21

1925. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA23

1926. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Supplemental	06/00/87	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA27

1927. HEAVY TRAILER STABILITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551
To be determined	00/00/00	

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in 1987.

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB42

1928. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None.

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

DOT—NHTSA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1834**

RIN: 2127-AB79

1929. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR to be determined

Legal Deadline: None.

Abstract: NHTSA will promulgate a voluntary vehicle identification standard under which any person may elect to inscribe or affix an identifying number or symbol on major parts of any motor vehicle manufactured or owned by such person for purposes of section 511 of Title 18, United States Code, and related provisions. Compliance with this standard shall not relieve any manufacturer of motor vehicles from compliance with the requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541), or any other applicable regulation. Action is significant because it supplements the statutory requirement of 15 USC 2033 by allowing consumers to protect their vehicles and parts by identifying them.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, **202 366-4807**

RIN: 2127-AB93

1930. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None.

Abstract: Would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB94

1931. ● CHILD RESTRAINT SYSTEMS – BUILT-IN CHILD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 47 CFR 571.213

Legal Deadline: None.

Abstract: Modify standard no. 213 to allow built-in child restraints and specify performance requirements for these built-in restraints.

Timetable:

Action	Date	FR Cite
NPRM	03/23/87	52 FR 9194
NPRM Comment Period End	05/22/87	
Final Action	09/00/87	

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB97

1932. ● GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None.

Abstract: Possible amendment to Standard No. 205, Glazing Materials, to require markings remain visible when glazing is installed in vehicles.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB98

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

1933. + POST-1986 PASSENGER CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Statutory. Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: General Motors (GM) and Ford have petitioned for reduction of the passenger car average fuel economy standards for Model Year 1986 and beyond. The Center for Auto Safety and the Environmental Policy Institute petitioned to raise the standards for Model Years 1987 through 1990. All of these petitions were addressed in rulemakings which reduced the standard from 27.5 miles per gallon (mpg) to 26.0 mpg for Model Years 1986 through 1988 (10/06/86, 51 FR 35594) Further rulemaking action, for Model

Years 1989 and beyond, is undetermined at this time, pending potential legislative action to repeal or amend the CAFE legislation.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2912
NPRM Comment Period End	03/24/86	51 FR 2912
SNPRM	07/30/86	51 FR 27224

Next Action Undetermined

Small Entity: No

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127-AB75

1934. + PETITIONS FOR DEVIATIONS FROM THE VEHICLE THEFT PREVENTION STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2025

CFR Citation: 49 CFR 543

Legal Deadline: None. Statute requires petitions for exemption to be submitted 8 months before start of production of passenger vehicle line.

Abstract: Establishes procedures to be followed by manufacturers in preparing and submitting petitions for exemptions from the vehicle theft prevention standard. Passenger motor vehicle manufacturers may petition NHTSA for these exemptions for vehicle lines whose standard equipment includes an antitheft device that is likely to be as effective as compliance with the vehicle theft prevention standard in deterring and reducing vehicle theft. Procedures are also established which the agency will follow in processing these petitions and in reaching determinations on whether they should be granted. These procedures have been issued as an interim final rule for MY 1987 and as a proposed rule for MYs 1988 and thereafter.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 715
Interim Final Rule	01/07/86	51 FR 706
NPRM Comment Period End	03/10/86	51 FR 715
Final Action	03/01/87	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 01/07/86 (51 FR 706)

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB81

1935. + FEDERAL MOTOR VEHICLE SAFETY STANDARDS; SCHOOLBUS PASSENGER SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None.

Abstract: Would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	04/00/87	

Small Entity: No

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222, "School Bus Passenger Seating and Crash Protection."

Analysis: Regulatory Impact Analysis

Agency Contact: Robert Williams, Department of Transportation, National Highway Traffic Safety Administration, NRM-12, 400 Seventh Steet, SW, Washington, DC 20590, 202 366-4919

RIN: 2127-AB84

1936. ● + OCCUPANT CRASH PROTECTION: LIGHT-TRUCK SAFETY BELT DYNAMIC TESTING

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to Standard No. 208 to require dynamic testing of manual belts in light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	04/12/85	50 FR 14589
NPRM Comment Period End	05/28/85	50 FR 14589
Final Action	04/00/87	

Small Entity: Undetermined

Analysis: Evaluation type to be determined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC01

1937. CONTROLS AND DISPLAYS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Legal Deadline: None.

Abstract: Final rule amends Standard No. 101 to permit greater flexibility in the illumination and identification of controls and displays. The rule allows gauges to have a two-level lighting intensity, rather than being continuously variable over a wide range. It distinguishes between critical telltales, such as the turn signal indicators, which must be visible under all lighting conditions, and less significant telltales, such as the water temperature indicator, which are permitted the same range of intensity as gauges. The term, "informational readout display" is eliminated as no longer useful. To accommodate new display technologies, the rule permits the cancellation of messages, but requires them to be retrievable by the driver. The use of specified words to identify controls is permitted, as an alternative to the symbols now required for many controls. This action was initiated in response to several petitions for rulemaking.

DOT—NHTSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/12/85	50 FR 37240
NPRM Comment Period End	10/28/85	50 FR 37240
Final Action	02/03/87	52 FR 3244
Final Action Providing partial response to petition	03/09/87	52 FR 7150

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review led to the decision to issue a new NPRM on the subject.

In March 1987, a partial response to petitions for reconsideration was published. Remaining issues will be addressed in a separate notice.

Analysis: Regulatory Evaluation (minimal) 09/12/85 (50 FR 37240)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA06

1938. STEERING CONTROL REARWARD DISPLACEMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Legal Deadline: None.

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	04/04/85	50 FR 13402
NPRM Comment Period End	07/19/85	50 FR 20919
Final Action	04/00/87	

Small Entity: No

Analysis: Regulatory Flexibility Analysis; Preliminary Regulatory Evaluation 04/04/85 (50 FR 13402); Final Regulatory Evaluation 10/00/86 (50 FR 13402)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AA32

1939. MOTORCYCLE HELMETS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Legal Deadline: None.

Abstract: The proposal would add new headform sizes to FMVSS 218.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39144
NPRM Comment Period End	11/26/85	50 FR 39144
Final Action	03/00/87	

Small Entity: Undetermined

Analysis: Preliminary Regulatory Evaluation 09/27/85 (50 FR 39144)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA40

1940. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None.

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	07/00/87	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA46

1941. CONSUMER INFORMATION--STOPPING DISTANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Legal Deadline: None.

Abstract: Would modify requirements for stopping-distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping-distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period End	08/05/83	
Final Action	06/01/87	
Final Action Effective	09/01/87	

Small Entity: No

Additional Information: Docket No. 83-09. NPRM, Notice 1.

Agency Contact: Charles Gauthier, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4805**

RIN: 2127-AA50

1942. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None.

Abstract: This proposal would amend FMVSS 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce

headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. FR responding to petitions and clarifying 1982 FR published.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842
To be determined	00/00/00	

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA88

1943. HYDRAULIC AND AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None.

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21313
NPRM Comment Period End	11/19/85	50 FR 29993
Final Action	04/00/87	

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (Minimal) 05/23/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA92

1944. SEAT BELT ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None.

Abstract: Proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
Final Action	05/00/87	

Small Entity: No

Analysis: Evaluation type to be determined

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AA95

1945. AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None.

Abstract: Would amend the brake application and release timing requirements and test devices in FMVSS No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	05/00/87	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 05/14/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB12

1946. OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Proposes an amendment to standard No. 208, Occupant Crash Protection, to upgrade the safety belt requirements for new trucks, buses, and multipurpose passenger vehicles with a gross vehicle weight rating of more than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	05/24/85	50 FR 23041
NPRM Comment Period End	07/15/85	
Final Action	06/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (Minimal) 05/24/85 (50 FR 23041)

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB71

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

1947. + REVIEW: CHILD SEATING SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None.

Abstract: This regulation provides labeling and crash performance requirements for child safety seats. NHTSA estimates that the safety seats saved 158 lives and averted 1,020 serious injuries and 17,000 minor injuries of children aged 0-4 in 1984. The review of this regulation, originally promulgated in 1970 and significantly upgraded in 1979, will be completed in 1986.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
Evaluation Report published	02/14/86	51 FR 6487
End Review	11/01/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127-AA70

1948. ● + 1989 MODEL YEAR LIGHT-TRUCK FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Statutory; Judicial. Lt. tr. fuel economy stds are required to be set at least 18 mos. prior to the beginning of the MY. In the U.S. Court of Appeals decision on Center for Auto Safety et. al. vs. NHTSA, the court requested a date for the publication of this rule and NHTSA told the court a final rule would be issued not later than 02/28/87.

Abstract: In accordance with the mandatory requirements of Section (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light-truck average fuel-economy standards for Model Year 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3221
Final Action	03/04/87	52 FR 6564
Final Action Effective	04/03/87	

Small Entity: Not Applicable

Agency Contact: Orron Kee, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-21 400 Seventh St., SW, Washington, DC 20590, **202 366-4936**

RIN: 2127-AC02

1949. ● + SEATING SYSTEMS: SEAT-BACK RELEASE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None.

Abstract: Final rule eliminates unnecessary manual seat back release lever if no designated seating positions exist behind seat.

Timetable:

Action	Date	FR Cite
NPRM	07/02/86	51 FR 24176
NPRM Comment Period End	08/02/86	51 FR 24176
Final Action	03/13/87	52 FR 7867

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB96

1950. ● + OCCUPANT CRASH PROTECTION: ONE-CAR CREDIT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None.

Abstract: Final rule allows compliance with standard 208 by means of vehicles equipped with driver-side-only air bags, with dynamically tested manual safety belts at the front-seat passenger position, for four additional years (1989-1993), after which time each vehicle must comply with both outboard front seats. The rule is intended to encourage the orderly development of full front-seat air bags.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42598
NPRM Comment Period End	12/26/86	
Final Action	03/30/87	52 FR 10096

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127-AB99

1951. LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Amends Standard No. 108 (Lamps, Reflective Devices, and Associated Equipment) to permit the use of two new miniature standardized replaceable light sources (HB3 and HB4) in replaceable bulb headlamp systems. Supplemental notice of proposed rulemaking would permit the use of HB2 standardized replaceable light source.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Final Action	05/02/86	51 FR 16325
Final Action Effective	06/02/86	51 FR 16325
NPRM Supplemental	06/13/86	51 FR 21696

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 05/13/85; Final Regulatory Evaluation 10/05/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AB37

1952. INSURER REPORTING REQUIREMENTS (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Statutory. First annual reports required to be filed with agency by 01/31/87.

Abstract: As required by Title VI of the Cost Savings Act, motor vehicle insurance companies and rental/leasing companies will be required to submit annual reports to NHTSA.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23095
NPRM Comment Period End	07/25/86	51 FR 23095
Final Action	01/02/87	52 FR 59
Final Action Effective	01/02/87	52 FR 59

Small Entity: Undetermined

Analysis: Preliminary Regulatory Analysis 06/25/86 (51 FR 23095)

Agency Contact: Barbara Burkhard, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4807

RIN: 2127-AB82

1953. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Nonsubstantive amendments to safety standard No. 108 to remove original equipment requirements that are no longer in effect and to clarify that most of those requirements may still be met by equipment manufactured to replace such original equipment, to adopt a common typographical manner in referring to materials incorporated by reference, and to correct errors appearing in the Code of Federal Regulations. No costs are involved.

Timetable:

Action	Date	FR Cite
Final Action	08/06/86	51 FR 28238

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., NW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC07

1954. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None.

Abstract: Adoption of amendments to safety standard No. 108 to allow motor vehicles including motorcycles to be equipped with Type A and Type E headlamps with a simplified mounting system intended to improve the incidence of correct headlamp aim. The headlamps are designated Type G and Type H. The retaining ring and mounting ring assembly used to hold the headlamp in place are eliminated. The new mounting system incorporates integral mounting aiming tabs on the body of the headlamp and permits the headlamp to attach directly to the aiming screws and thus the car body. No costs are involved.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	51 FR 10237
Final Action	11/12/86	51 FR 40979

Small Entity: No

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC08

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

1955. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC 1/27/87 to	01/29/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA34

1956. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register

on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3. 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA10

1957. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None.

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA32

1958. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None.

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA40

1959. SAFETY STANDARDS FOR CABOOSES

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Legal Deadline: None.

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA01

1960. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Significance: Nonsignificant

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Legal Deadline: None.

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: William Fashouer, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0621

RIN: 2130-AA04

1961. SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961

DOT—FRA **Prerule Stage**

Action	Date	FR Cite
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	
Summary Report on Hearings	07/16/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA27

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

1962. ● + INFORMAL SAFETY INQUIRY AND RULEMAKING; CONTROL OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None.

Abstract: FRA is actively supporting legislation that has been introduced in the Congress that would require random testing of railroad employees and enhance FRA's authority in this area. In the meantime, FRA has held an informal safety inquiry to secure information from the public that will assist FRA in drafting a random-testing rule and in evaluating all other issues surrounding FRA's rule on the control of alcohol and drug use in railroad operations. At such time as random-testing legislation is enacted, FRA will be in a position to quickly issue an NPRM. If, for any reason, random-testing legislation is not enacted, FRA will nevertheless proceed with an NPRM dealing with random testing and any other appropriate amendment to FRA's rule.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, D.C.	02/18/87	
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter C. Rockey, Jr., Executive Assistant to the Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA43

1963. RULES OF PRACTICE

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Legal Deadline: None.

Abstract: Action would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA07

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

1964. ● RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION AND INVESTIGATION

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 225

Legal Deadline: None.

Abstract: This rule increases the reporting threshold from $4,900 to $5,200 for railroad accidents/incidents involving property damage that occur during calendar year 1987. This action is needed to ensure that the FRA reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed in 1984. In addition, FRA is amending one section in 49 CFR Part 225 to make a minor technical improvement in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	12/30/86	51 FR 47018
Final Action Effective	01/01/87	51 FR 47018

Small Entity: No

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Philip Olekszyk, Deputy Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20036, 202 366-0895

RIN: 2130-AA42

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Prerule Stage

1965. + MAINTENANCE OF EQUIPMENT AND FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 636

Legal Deadline: None.

Abstract: This regulation would require each transit agency that receives Federal financial assistance to have a maintenance program that states maintenance goals and objectives, provides for adequate maintenance for both fixed facilities and equipment, and provides for adequate personnel to meet the goals and objectives of the program. The proposed rule would also require that each transit agency retain or assemble information necessary for UMTA to review the transit agency's actual maintenance activities and make determinations on compliance as required by statute. This rule is significant because it concerns a matter on which there is substantial controversy. UMTA is reviewing this initiative to determine if rulemaking is practicable.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The Surface Transportation Assistance Act of 1982 (1982 STAA) included maintenance provisions in both sections 3 and 9 of the UMT Act. In the new section 9 block grant program, Congress provided that all recipients must certify that they will maintain facilities and equipment. UMT Act section 9(e)(3)(B). Section 9(g)(1) authorizes UMTA to determine by review or audit whether the recipients have complied with the maintenance requirement. The 1982 STAA also amended the section 3 discretionary grant and loan program by adding a provision that requires applicants to have sufficient capability to maintain facilities and equipment obtained with Federal assistance. UMT Act 3(a)2(A)(iii). This proposed regulation would provide UMTA with the information necessary to implement these provisions.

Agency Contact: Kenneth F. Bolton, Department of Transportation, Urban Mass Transportation Administration, Office of Policy, UMTA, 400 Seventh Street, SW, Room 9311, Washington, DC 20590, **202 366-4060**

RIN: 2132-AA26

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

1966. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Legal Deadline: None.

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1987.

Analysis: Regulatory Evaluation 06/00/87

Agency Contact: Clifford T. Lee, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, **202 366-0814**

RIN: 2132-AA01

1967. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Legal Deadline: None.

Abstract: This regulation, which is being reviewed in light of pending legislative action, would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major capital investment projects. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 10/00/87

Agency Contact: Don Emerson/Theodore A. Munter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, **202 366-1936**

RIN: 2132-AA22

1968. + EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Significance: Agency Priority

Legal Authority: 49 USC 1602; 49 USC 1607

CFR Citation: 49 CFR 637

Legal Deadline: None.

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety

DOT—UMTA **Proposed Rule Stage**

requirements applicable to advanced design buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/84	49 FR 40426
NPRM	07/00/87	

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/00/87

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, 202 366-4060

RIN: 2132-AA24

1969. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None.

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	09/00/87	

Small Entity: Yes

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service. The public comment period closed November 26, 1982.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/00/87

Agency Contact: Katherine Cowen, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1936

RIN: 2132-AA09

1970. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None.

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA.

Analysis: Regulatory Evaluation 04/00/87

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0096

RIN: 2132-AA19

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

1971. + CHARTER BUS OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None.

Abstract: These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients. UMTA will publish a final rule in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	03/06/86	51 FR 7892
NPRM Comment Period End	06/19/86	51 FR 18966
Final Action	04/00/87	

Small Entity: Yes

Additional Information: ADDITIONAL LEGAL AUTHORITY: On March 6, 1986, UMTA published an NPRM to revise the existing rule. The proposal would prohibit an UMTA recipient from providing any charter bus service using UMTA facilities and equipment if there were a willing and able private charter bus operator. The NPRM does propose some exceptions to this. The comment period closed on May 5, 1986, but was reopened on May 20, 1986 for an additional 30 days until June 19, 1986.

Public Compliance Cost: Initial Cost: $11,322; Yearly Recurring Cost: $10,272

Affected Sectors: Multiple

DOT—UMTA

Final Rule Stage

Government Levels Affected: Local, State

Analysis: Draft Regulatory Analysis 03/06/86 (51 FR 7892); Final Regulatory Analysis 04/00/87

Agency Contact: Douglas G. Gold, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1936

RIN: 2132-AA04

1972. + ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Legal Deadline: None.

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Fred Skaer, FHWA, (202) 366-2050. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0096

RIN: 2132-AA03

1973. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165

CFR Citation: 49 CFR 661

Legal Deadline: None.

Abstract: This rulemaking, which implements Section 165 of the Surface Transportation Assistance Act of 1982 (P.L. 97-424) would amend the existing regulations which were published in 1983. The amendment to the regulations would concern the identification and tracing of subcomponents in rolling stock procurements.

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562
Final Action	11/00/87	

Small Entity: Yes

Additional Information: When the regulation was published in 1983, UMTA requested comments on how it should treat both domestic and foreign subcomponents in calculating the cost of components in rolling stock procurements. UMTA proposed using an existing Bureau of Customs procedure to trace subcomponents produced in the U.S. which are shipped abroad and then assembled into another article and returned to the U.S. Foreign-made subcomponents which are imported into the U.S. can also be traced using Customs documentation. The amended regulations would reflect comments received on the 1983 NPRM and experience to date.

Government Levels Affected: Local, State, Federal

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4063

RIN: 2132-AA15

1974. INNOVATIVE TECHNIQUES AND METHODS

Significance: Nonsignificant

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Legal Deadline: None.

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80

Agency Contact: Joseph Goodman, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4995

RIN: 2132-AA05

1975. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Legal Deadline: None.

Abstract: These amendments will reflect modifications in the organization and distribution of functions within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	11/30/87	

Small Entity: No

Agency Contact: Henry T. Carter, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2485

RIN: 2132-AA06

DOT—UMTA **Final Rule Stage**

1976. TECHNOLOGY INTRODUCTION

Significance: Nonsignificant

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Legal Deadline: None.

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	04/00/87	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981 NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: George Izumi, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0220**

RIN: 2132-AA07

1977. SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NONCOMPLIANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Legal Deadline: None.

Abstract: This regulation would simplify Part 630 and implement procedures to handle late reporters, missing certifications and deadhead miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 17144
NPRM Comment Period End	07/07/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: This NPRM was published on May 7, 1986, with the comment period ending July 7, 1986. A Final Rule will be published in 1987.

Analysis: Regulatory Evaluation 05/07/86 (51 FR 17144)

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, **202 366-9157**

RIN: 2132-AA23

DEPARTMENT OF TRANSPORTATION (DOT) — Completed Actions

Urban Mass Transportation Administration (UMTA)

1978. + PRIVATE ENTERPRISE PARTICIPATION

Significance: Agency Priority

Legal Authority: 49 USC 1607(e); 49 USC 1602(e); 49 USC 1607a(f)

CFR Citation: 49 CFR 614

Legal Deadline: None.

Abstract: UMTA had considered proposing regulations which would encourage, to the maximum extent feasible, the participation of private enterprise in plans and programs that receive Federal funding under the UMT Act. However, on January 29, 1986, UMTA published a Notice in the Federal Register providing more specific guidance to its grantees relating to private enterprise participation for fiscal year 1986. That Notice stated that it would be followed by a Circular establishing guidance for future years. The Circular, issued on December 5, 1986, reflects specific congressional guidance in the 1987 DOT Appropriations Act (Pub. L. 99-500) relating to private enterprise participation, and provides guidance to UMTA grantees on the private sector provisions of the UMT Act. A Notice of the availability of the Circular was published in the Federal Register on December 10, 1986.

Timetable:

Action	Date	FR Cite
Action Completed	12/10/86	51 FR 44545

Small Entity: Undetermined

Agency Contact: Scott A. Biehl/Douglas Birnie, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9223, Washington, DC 20590, **202 366-1666**

RIN: 2132-AA20

DEPARTMENT OF TRANSPORTATION (DOT) — Prerule Stage

Research and Special Programs Administration (RSPA)

1979. ● + STATE PIPELINE SAFETY INSPECTOR STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2004; 49 USC 1674

CFR Citation: 49 CFR 190

Legal Deadline: None.

Abstract: This action will propose standards for State personnel who engage in compliance activities under the Federal/State cooperative pipeline safety program. Members of Congress and the Department's pipeline safety advisory committees support this initiative to obtain uniformity and competency in carrying out the nationwide pipeline safety enforcement program.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	
NPRM	03/00/88	

Small Entity: No

DOT—RSPA

Prerule Stage

Agency Contact: C. DeLeon, Assistant Director for Regulations, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-1640

RIN: 2137-AB28

1980. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None.

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042

Next Action Undetermined

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA51

1981. + CONFIDENTIAL TREATMENT: AVIATION ECONOMICS - RELATED MATERIAL

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Legal Deadline: None.

Abstract: This rule would revise the procedures governing requests for confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph S. Nalevanko, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137-AB02

1982. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None.

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Suggested terminology is being coordinated with the Technical Pipeline Safety Standards Committee and State agencies in advance of a formal proposal for public comment.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB15

1983. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None.

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB16

1984. ● + PERFORMANCE-ORIENTED CLASSIFICATION AND PACKAGING STANDARDS FOR EXPLOSIVES AND BLASTING AGENTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking would amend the Hazardous Materials Regulations (HMR) pertaining to Explosives and Blasting Agents to

DOT—RSPA **Prerule Stage**

incorporate features found in the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	

Small Entity: Undetermined

Agency Contact: Charles H. Ke, Chemist, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4495**

RIN: 2137-AB25

1985. ● + TRAINING PROGRAM GUIDELINES

Significance: Agency Priority

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172 to 177

Legal Deadline: None.

Abstract: This regulation proposes to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4415**

RIN: 2137-AB26

1986. ● + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None.

Abstract: This action sets forth various pipeline program options and requests marking to enhanced public education. The comments will be considered in determining the future course of action with respect to the pipeline program.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: L. M. Furrow, Chief, Standards Division, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-2392**

RIN: 2137-AB27

1987. ● REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and market data system for certificated and foreign air carriers. This system could be used for commuter air carriers providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB18

1988. REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Legal Deadline: None.

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA07

1989. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Legal Deadline: None.

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 279-78

Agency Contact: H. Mitchell/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh

Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA10

1990. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None.

Abstract: The Department is considering proposing exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA28

1991. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 300-83.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA29

1992. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering this proposal to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA30

1993. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178.245; 49 CFR 173

Legal Deadline: None.

Abstract: The Department is considering revisions to requirements for DOT Specification 51 Portable Tanks including, but not limited to, use of bottom outlets and emergency discharge controls. Consideration will also be given to adoption of certain provisions of the recommendations of the United Nations (UN) and International Maritime Organization (IMO).

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: Project 302-83.

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4415

RIN: 2137-AA36

1994. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA63

1995. REVISION OF THE IM TANK TABLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Would revise the IM Tank Table to incorporate interim approvals issued since April of 1981 and other changes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. HM-167A

Agency Contact: Lee Jackson/Charles Ke, Department of Transportation, Research and Special Programs

DOT—RSPA **Prerule Stage**

Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA64

1996. REWRITE AND RECODIFICATION OF SECTION 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34

Legal Deadline: None.

Abstract: The recodification and rewrite of Sec. 173.34 would provide industry with regulations set up by the functions to be performed. It is anticipated that the rewrite would provide a more simplified and readable regulation. The proposal would include the consolidation of DOT specification seamless steel and aluminum cylinders (Project 123-71) and the requalification, maintenance, and use requirements which will be provided under the new Part 180.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project No. 305-83

Analysis: Regulatory Evaluation 03/00/87

Agency Contact: M. Morris, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA73

1997. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, these definition may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB00

1998. SUBSIDIZED COMMUTER CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None.

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB04

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Research and Special Programs Administration (RSPA)

1999. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Legal Deadline: None.

Abstract: To develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

DOT—RSPA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/00/82	47 FR 40816
NPRM	03/01/87	

Small Entity: No

Additional Information: Docket No. HM-181. Further action to be determined from evaluation of comments received on ANPRM.

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/01/87

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA01

2000. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 217; 14 CFR 241

Legal Deadline: None.

Abstract: DOT is proposing a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to evaluate existing bilateral agreements and reciprocity between U.S. and foreign countries. In addition international charter data currently collected from carriers may also be incorporated with service-segment reporting. This information may very well replace some of the data currently collected by the Immigration and Naturalization Service (INS) on Form I-92. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government. See 2137-AB01 for companion rule for U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	06/01/87	
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AA97

2001. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/31/87	
Final Action	03/31/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AA99

2002. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: Large U.S. air carriers file detailed service segment data in ADP format for scheduled operations, while smaller carriers file a condensed version on a hardcopy form. Charter data is filed on another form. The Department will issue a rulemaking proposing to incorporate all three systems onto one automated data system by standardizing the reporting between scheduled and charter operations. Much of the data currently collected will be proposed for elimination. Also, much of the data reported on the hardcopy Form 41 T-Schedules can be eliminated, since the foreign air carrier traffic and market reporting (2137-AA97) will be incorporated into this automated system providing a uniform traffic and market system for the Department.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	06/01/87	
Final Action	01/01/88	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB01

2003. + CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Legal Deadline: None.

DOT—RSPA

Proposed Rule Stage

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	12/31/87	
Final Action Effective	01/01/89	

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137-AB05

2004. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Proposed consolidation and revision of the regulations on the classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of experts on the transport of Dangerous Goods.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Project 306-83

Agency Contact: Charles Ke/H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA93

2005. REVIEW: CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: The Department is proposing revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71)

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Agency Contact: James O'Steen, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA92

2006. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: The Notice of Proposed Rulemaking would propose new standards for classifying a material as a flammable solid. This rule was previously a part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of this ANPRM on May 7, 1981 (46 FR 25492).

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492
NPRM	12/00/87	

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4496**

RIN: 2137-AA05

2007. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	44 FR 1179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA08

2008. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None.

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-179

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA11

2009. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: NPRM solicits comments on the benefit of requiring LP gas to be odorized. Odorization will enhance its

identification during transportation in commerce.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Supplemental	03/01/87	

Small Entity: No

Additional Information: Docket No. HM-126E

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA25

2010. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE NEAR CERTAIN OCCUPIED BUILDINGS OR OUTSIDE AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.5(d)(2)

Legal Deadline: None.

Abstract: This proposal would eliminate the rule which requires operators to confirm or revise the maximum allowable operating pressure of a pipeline, when a building or recreational area that will be used infrequently is constructed near the pipeline.

Timetable:

Action	Date	FR Cite
ANPRM	09/05/85	50 FR 36116
ANPRM Comment Period End	01/03/86	50 FR 45845
NPRM	09/18/86	51 FR 29504
NPRM Comment Period End	11/17/86	51 FR 29504

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. PS-84

Analysis: Regulatory Evaluation 09/18/86 (51 FR 29504)

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4561**

RIN: 2137-AA62

2011. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None.

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of enriched uranium hexafluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
NPRM - New	09/00/87	

Small Entity: No

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137-AA72

2012. LIMITATION ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None.

Abstract: Proposes the removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible location.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entity: No

Additional Information: Further action to be determined based on NPRM comments.

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Agency Contact: Elaine Economides, Acting, International Standards Coordinator, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4467**

RIN: 2137-AA85

2013. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None.

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring additional emergency response information on shipping papers and in vehicles when transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	03/01/87	

Small Entity: Yes

Additional Information: HM-126C

Agency Contact: Lee Jackson, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137-AA88

2014. BULK PACKAGINGS AND MISCELLANEOUS RULE CHANGES

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None.

Abstract: Prescribes marking requirements for bulk packagings and bulk transport vehicles that are not portable tanks, cargo tanks or tank cars. A definition for bulk packaging is provided. Also included are five minor revisions pertinent to marking, to

correct, clarify, and enhance compliance with the communication regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164
NPRM Comment Period End	12/28/84	49 FR 38164

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-126D.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA90

2015. COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None.

Abstract: DOT is proposing to collect basic financial information from the commuter carriers providing scheduled passenger service. Data would be used for safety purposes, fitness reviews, and various economic analyses such as trust-fund revenue generation, and airport and airways development.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	05/01/87	

Small Entity: Yes

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA98

2016. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 172.101; 49 CFR 173.420

Legal Deadline: None.

Abstract: RSPA proposes to incorporate the existing industry packaging standards for Uranium Hexafluoride (UF6), specifically, American National Standards Institute Standard N 14.1 - 1982, into the Hazardous Materials Regulations (49 CFR Parts 100-179). Additionally, the requirement that UF6 be shipped in solid form is believed necessary to reduce the possibility of packaging failure and/or accidental release of UF6 during transportation. Because of the safety record exhibited by packagings filled and maintained in accordance with the ANSI Standard, development of new standards would be impractical. Incorporation of existing standards believed to be currently followed by industry is the most cost-effective method of establishing Federal standards and increasing conformity and safety in transportation of UF6. In response to numerous petitions for reconsideration from industry dealing with the use of existing packagings, the Department will reopen this specific issue in the new NPRM.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46674
NPRM New	06/00/87	

Small Entity: No

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AB10

2017. ● EXCEPTION FROM PRESSURE TESTING NON-WELDED TIE-IN JOINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.503(d)

Legal Deadline: None.

Abstract: The current exception from pressure testing welded tie-in joints would be expanded to include all types of tie-in joints. This change would be consistent with the intent of the original rule and would have minimal cost impact.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Additional Information: Petition P-20; New England Gas Association; January 27, 1983

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB19

2018. ● CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None.

Abstract: This action proposes an alternate method for confirmation or revision of the maximum allowable operating pressure of pipe- lines previously tested to less than 90 percent of specified minimum yield strength. The alternate method would allow operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: Petition P-29, Gas Piping Technology Committee

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh

DOT—RSPA

Proposed Rule Stage

St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB20

2019. ● TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: Various clarifying and editorial changes would be made to the gas pipeline safety standard. Minimal cost and benefits are expected.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Petition P-15; New England Gas Association; June 19, 1981

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB22

2020. ● REPORTING SAFETY-RELATED CONDITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1672(a); 49 USC 2002(a)

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: Statutory, October 22, 1987, October 22, 1987. H.R. 2092, enacted 10/22/86

Abstract: Operators would be required to report within five days of discovery any condition that could be an imminent danger or affect pipeline operational safety. The report would enable State and Federal agencies to investigate promptly. Few reports are expected, and the cost impact would be minimal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB23

2021. ● DELETION OF STANDARDS INCORPORATED BY REFERENCE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None.

Abstract: This action proposes to delete the existing incorporation by reference of various documents intended for use in the design of gas pipelines. The materials to which the documents pertain are no longer generally used for gas pipelines so that reference to the documents can be deleted without affecting safety.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: No

Additional Information: This action is part of a continuing effort to update or modify, as apropriate, references to voluntary standards documents.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB24

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Final Rule Stage

2022. + REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. This final rule concluded that certain domestic Form 41 data is still needed by the Department. This rule eliminated three schedules and over 30 percent of the data elements contained in the Form 41 report. Operating expenses are to be reported by cost pools instead of by function and objective account.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	08/23/85	50 FR 34366
NPRM Comment Period End	10/22/85	
Final Action	03/01/87	
Final Action Effective	06/01/87	

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA96

2023. + SPECIFICATION AND USE REQUIREMENTS FOR MC 306, MC 307, AND MC 312 CARGO TANKS (INCLUDING PROJ. 301-83 AND INCORPORATES DOCKET HM 183)

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None.

Abstract: The rule would modify cargo tank specifications in section 178.337-178.343 to improve clarity, quality

DOT—RSPA

Final Rule Stage

control and safety and to provide for the manufacture of vacuum-loaded cargo tanks. It would also provide inspection, test, maintenance, repair, and requalification standards for cargo tanks. This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: Docket No. HM-183A

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137-AA42

2024. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None.

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. HM-166U.

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10780)

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA44

2025. GAS PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Legal Deadline: None.

Abstract: The current damage-prevention program requirements would be revised so that pipeline operators would not have to take any action when notified of excavations in areas that do not contain buried gas pipelines.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	50 FR 49575
NPRM Comment Period End	02/03/86	50 FR 49575
Final Action	04/01/87	

Small Entity: No

Additional Information: Docket No. PS-88

Analysis: Regulatory Evaluation 12/03/85 (50 FR 49575)

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AA71

2026. FIRE PROTECTION AND SECURITY OF LIQUEFIED NATURAL GAS FACILITIES

Significance: Nonsignificant

Legal Authority: 49 USC 1674a

CFR Citation: 49 CFR 2801; 49 CFR 2901

Legal Deadline: None. 49 USC 1674a(b)

Abstract: The action will extend the scope of existing regulations for fire protection and security of liquefied natural gas facilities to cover facilities at waterfront plants except facilities used in marine cargo transfer and facilities located in navigable waters. Minimal costs and benefits are expected, but action will comply with statutory mandate for regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 18007
NPRM Comment Period End	08/14/86	51 FR 18007
Final Action	04/01/87	

Small Entity: No

Additional Information: (Docket No. PS-89) Fire protection and security of marine cargo transfer facilities and facilities in navigable waters are to be regulated by the U.S. Coast Guard under a memorandum of understanding governing waterfront plants.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137-AB13

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Completed Actions

2027. + REVIEW OF SAMPLE SIZE AND ADMINISTRATION OF THE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Legal Deadline: None.

Abstract: OMB mandated that the 10-percent sampling requirement contained in the Passenger Origin-Destination Survey be eliminated and that a requirement that the collection include a statistically valid sample be substituted. This final rule reduces the sample size for the largest domestic markets. Also, Intra-Alaskan carriers are included for the first time and carriers may report duplicate data or eliminate duplication by using the participating carrier list.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	10/22/85	50 FR 42870
Final Action	03/04/87	52 FR 6524
Final Action Effective	07/01/87	52 FR 6524

Small Entity: No

Affected Sectors: 45 Transportation By Air

Agency Contact: Jack Calloway, Deputy Director, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AA95

2028. + HAZARDOUS SUBSTANCES

Significance: Agency Priority

Legal Authority: PL 99-499, Sec 202

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: Statutory, November 17, 1986. Section 202 of Pub. L. 99-499, the Superfund Amendments and Reauthorization Act (SARA) amended CERCLA on October 17, 1986 and required the Secretary to list and regulate hazardous substances as hazardous materials within 30 days.

Abstract: This final rule amends the Hazardous Materials Regulations (HMR) by incorporating into these regulations as hazardous materials, substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA; Pub. L. 96-510).

Timetable:

Action	Date	FR Cite
ANPRM	08/08/83	48 FR 35965
ANPRM Comment Period End	10/12/83	
Extension of time for public comment to 11/16/83.	10/19/83	48 FR 48483
NPRM	06/23/86	51 FR 22902
NPRM Comment Period End	08/25/86	51 FR 22902
Final Action	11/21/86	51 FR 42174
Final Action Effective	12/24/86	51 FR 46672

Small Entity: No

Additional Information: HM-145F. Docket HM-145E will be published as a final rule in the near future, addressing those issues not resolved in HM-145F.

Agency Contact: Lee Jackson/George Cushmac, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137-AA68

2029. + OVERSALES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Legal Deadline: None.

Abstract: This rule changed the filing frequency of Form 251 "Report of Passengers Denied Confirmed Space" from monthly to quarterly. This report shows the number of passengers denied confirmed space by U.S. and foreign air carriers and how those passengers were accommodated.

Timetable:

Action	Date	FR Cite
NPRM	03/08/86	51 FR 94590
NPRM Comment Period End	05/19/86	
Final Action	08/27/86	51 FR 30475
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Jack Calloway, Deputy Director, Research and Special Programs Administration, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137-AB17

2030. INTERVAL FOR REVIEW AND CALCULATION OF RELIEF DEVICE CAPACITY

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.743

Legal Deadline: None.

Abstract: The regulation was revised to permit the review and calculation of relief device capacity to be made at the prescribed interval for testing and inspection of relief devices. Minimal cost savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	51 FR 21939
NPRM Comment Period End	08/18/86	51 FR 21939
Final Action	11/18/86	51 FR 41633
Final Action Effective	12/18/86	51 FR 41633

Small Entity: No

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137-AB12

2031. EXCEPTIONS FOR NONDESTRUCTIVE TESTING OF WELDS IN TRANSMISSION LINE REPAIR

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.719(a)(2)

Legal Deadline: None.

Abstract: The regulation would provide exceptions from the requirement to nondestructively test girth welds made in the repair of transmission lines by pipe replacement. The exceptions are the same as those that apply to the replacement of pipe in general. They would reduce repair costs and speed transmission line repair.

Timetable:

Action	Date	FR Cite
NPRM	07/02/86	51 FR 24174
NPRM Comment Period End	08/18/86	51 FR 24179
Final Action	11/18/86	51 FR 41634
Final Action Effective	12/18/86	51 FR 41634

Small Entity: No

Additional Information: Docket No. PS-92

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2392

RIN: 2137-AB14

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2032. ● + CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT

Significance: Regulatory Program

Legal Authority: 46 USC 1114(b); 46 USC 1117; 46 USC 1204; 46 USC 1156

CFR Citation: 46 CFR 276.3

Legal Deadline: Judicial, July 16, 1987.

Abstract: The Department issued a rule in 1985 allowing vessels built with construction-differential subsidy (CDS) to repay that CDS in exchange for permission to operate in the domestic trade. Section 506 of the Merchant Marine Act of 1936, as amended, prohibits CDS vessels from operating in the domestic trade. This action will address the decision by U.S. Court of Appeals for the District of Columbia which vacated the Department's CDS Repayment rule (50 FR 19170, May 7, 1985). The court delayed the effective date of its order to vacate the rule until July 16, 1987, to allow the Department to undertake further proceedings to address the problems of the merchant marine trade. The Department is initiating a rulemaking proceeding to replace the vacated rule by the deadline established by the court.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 442 Deep Sea Domestic Transportation

Agency Contact: Lynne Adams-Whitaker, Chief, Division of Regulations, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5181**

RIN: 2133-AA61

2033. + REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Agency Priority

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to decreased federal support.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5755**

RIN: 2133-AA57

2034. ● + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1156

CFR Citation: 46 CFR 250

Legal Deadline: None.

Abstract: This regulation now establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, **202 366-2282**

RIN: 2133-AA62

2035. REVIEW OF ALL MARAD PROGRAM REGULATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR Chapter II

Legal Deadline: None.

Abstract: MARAD is reviewing its regulations in their entirety to identify regulations that are obsolete, or which need updating.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 373 Ship and Boat Building and Repairing; 441 Deep Sea Foreign Transportation

Agency Contact: Harris L. Kane, Attorney-Adviser, Office of Chief Counsel, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7221, Washington, DC 20590, **202 366-5181**

RIN: 2133-AA56

2036. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Significance: Nonsignificant

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Legal Deadline: None.

Abstract: Rulemaking would propose procedures that would assist preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Further action dependent on disposition of RIN 2133-AA20.

Affected Sectors: 441 Deep Sea Foreign Transportation

DOT—MarAd **Prerule Stage**

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2400**

RIN: 2133-AA16

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

Maritime Administration (MarAd)

2037. + APPROVAL OF MARINE HULL UNDERWRITERS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1279(b)

CFR Citation: 46 CFR 299, (New)

Legal Deadline: None.

Abstract: This notice of proposed rulemaking would establish MARAD's criteria for accepting an organization as an underwriter on any policy of insurance covering vessels under Title XI and Title VI programs or other MARAD administered aid programs.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41531
ANPRM Comment Period End	11/12/85	
Public meeting	04/17/86	
NPRM	05/01/87	

Small Entity: No

Analysis: Regulatory Evaluation 03/01/87

Agency Contact: William B. Ebersold, Maritime Aids Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8126, Washington, DC 20590, **202 366-0364**

RIN: 2133-AA50

2038. + CARGO PREFERENCE - IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None.

Abstract: These amendments to the existing cargo-preference regulations will implement S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. It provides for an increase in the required percentage of carriage on U.S.-flag vessels of agricultural commodities not specifically exempted from cargo-preference requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Government Levels Affected: Federal

Analysis: Draft Evaluation 04/00/87

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5517**

RIN: 2133-AA55

2039. REVIEW: WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC 1283

CFR Citation: 46 CFR 308

Legal Deadline: None.

Abstract: MARAD is considering whether to expand eligibility for War Risk Insurance to foreign flag vessels other than those documented under the laws of Panama, Liberia or Honduras, that are effectively U.S.-controlled vessels.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Affected Sectors: 44 Water Transportation; 633 Fire, Marine, and Casualty Insurance

Agency Contact: Jack Malkin, Chief, Div. of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8121, Washington, DC 20590, **202 366-4161**

RIN: 2133-AA54

2040. RULES OF PRACTICE AND PROCEDURES FOR HEARING IN ODS APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Legal Deadline: None.

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208, that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S.-flag liner service in hearings required under the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 443 Great Lakes-St. Lawrence Seaway Transportation

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2400**

RIN: 2133-AA20

2041. ● REGULATIONS GOVERNING PUBLIC BUILDINGS AND GROUNDS AT THE U.S. MERCHANT MARINE ACADEMY

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 386, New

Legal Deadline: None.

Abstract: MARAD is proposing new regulations to enhance the security of buildings and grounds at the U.S. Merchant Marine Academy, located at Kings Point, New York, as well as the security of persons entering in or on

DOT—MarAd **Proposed Rule Stage**

such property. MARAD has the responsibility for operating the Academy, pursuant to authority delegated by the General Services Administration and the Secretary of Transportation. The regulations would also confirm the appointment of special police for the protection of buildings, grounds and equipment at the Academy.

Timetable:

Action	Date	FR Cite
NPRM	02/11/87	52 FR 4357
NPRM Comment Period End	03/30/87	52 FR 4357

Small Entity: No

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges

Government Levels Affected: State, Federal

Agency Contact: John J. White, Logistics Management Specialist, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 7225, Washington, DC 20590, **202 366-2812**

RIN: 2133-AA60

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd) **Final Rule Stage**

2042. + CARGO PREFERENCE U.S.-FLAG VESSELS; DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5012
Final Action	04/00/87	

Small Entity: No

Analysis: Final Regulatory Evaluation 04/00/87

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133-AA02

2043. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None.

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate guideline fair and reasonable rates using a methodology which would base those rates on a vessel's actual or constructed costs as determined from data submitted by the operator. It would establish requirements for submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
NPRM Supplemental	12/17/86	51 FR 45135
Final Action	05/00/87	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Affected Sectors: 441 Deep Sea Foreign Transportation

Analysis: Supplemental Draft Evaluation 12/17/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133-AA43

2044. + NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Significance: Regulatory Program

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Maritime Administration intends to redesignate U.S., foreign trade routes determined to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It would consolidate the present 29 essential trade routes and essential trade areas into fewer essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	05/15/85	50 FR 16036

Action	Date	FR Cite
Final Redesignation	04/00/87	

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S.-Liner Trade Routes. This study is available upon request.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133-AA44

2045. + CARGO PREFERENCE, U.S.-FLAG VESSELS: EVALUATION OF BIDS FOR SUBSIDIZED LINER VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381.8

Legal Deadline: None.

Abstract: This regulation would establish procedures governing the evaluation by U.S. shipper agencies of bids from subsidized U.S.-flag-liner vessel operators for the carriage of open rated civilian and military preference cargoes.

Timetable:

Action	Date	FR Cite
NPRM	02/10/86	51 FR 5015
Final Action	03/00/87	

Small Entity: No

Additional Information: On 11/11/84, MARAD issued a final rule setting forth procedures governing the evaluation by shipper agencies of bids from U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes.

Government Levels Affected: Federal

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133-AA52

2046. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New)

Legal Deadline: None.

Abstract: Disposition of MARAD Docket S-764, concerning the carriage of preference cargoes by subsidized operators, will affect rulemaking action.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
Final Action	03/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2256

RIN: 2133-AA17

2047. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None.

Abstract: These amendments conform these regulations to reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by General Agents and Berth Agents under General Agency and Berth Agency Agreements with the United States, acting by and through the Director, National Shipping Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/14/86	51 FR 17659
NPRM Comment Period End	07/14/86	

Next Action Undetermined

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation; 446 Services Incidental to Water Transportation

Agency Contact: Jack Malkin, Chief, Div. of Marine Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8121, Washington, DC 20590, 202 366-4161

RIN: 2133-AA51

2048. ● DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS; AMENDMENT OF PROCESSING PROCEDURES FOR CERTAIN APPLICATIONS

Significance: Nonsignificant

Legal Authority: 46 USC 808; 46 USC 835; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Legal Deadline: None.

Abstract: Final rule will amend the regulation that imposes fees for processing applications for MARAD approval of the sale, transfer or charter to noncitizens of vessels owned by U.S. citizens and documented under U.S. law, or the transfer of such vessels to foreign registry. This amendment will allow MARAD to reduce any fee, or waive the fee entirely, in appropriate circumstances.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation

Government Levels Affected: Federal

Agency Contact: Jessie Fernanders, Ship Disposal Foreign Transfer Officer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 2112, Washington, DC 20590, 202 366-5111

RIN: 2133-AA59

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Maritime Administration (MarAd)

2049. + ELIMINATION OF RESTRICTIONS ON NON-SUBSIDIZED VOYAGES BY SUBSIDIZED LINER COMPANIES

Significance: Regulatory Program

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 281

Legal Deadline: None.

Abstract: MARAD amended its regulations with respect to procedures required under liner operating differential subsidy agreements (ODSA) for approval of "Non-Subsidized Voyages." Action revoked existing requirements that the subsidized operator obtain MARAD approval before it or a related company undertakes a non-subsidized voyage.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40876
NPRM Comment Period End	12/05/85	50 FR 48616
Final Action	11/28/86	51 FR 43003
Final Action Effective	12/29/86	

Small Entity: No

Analysis: Final Regulatory Evaluation 11/28/86

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2400**

RIN: 2133-AA18

2050. + FINAL GUIDELINES FOR CONSIDERING EARLY ODS CONTRACT TERMINATIONS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 1171 to 1185

Legal Deadline: None.

Abstract: MARAD was considering whether to propose regulations that state the factors it will consider in making determinations on requests from operators of vessels under ODS agreements for early termination of the ODS agreements or a cash settlement for early termination, commonly called a "buy out."

Timetable:

Action	Date	FR Cite
Action Terminated	12/31/86	

Small Entity: No

Additional Information: An alternative to rulemaking is to publish no guidelines and consider proposals on an ad hoc basis.

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: James E. Caponiti, Chief, Div. of Ship Operating Costs, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2326**

RIN: 2133-AA47

2051. + OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; GENERAL PROCEDURES FOR DETERMINING ODS

Significance: Agency Priority

Legal Authority: 46 USC 1171 to 1176; 46 USC 1178 to 1181

CFR Citation: 46 CFR 252

Legal Deadline: None.

Abstract: Under the current system for determining subsidy for bulk vessels as set forth in 46 CFR 252, final payments are delayed an average of three years. The current system precludes the operators from timely receipt of monies due them, thereby hindering the companies' cash management capability and the government's ability to forecast accurate budget obligations. The amended rule prescribes new procedures for determining subsidy. The new system provides payment of ODS as a fixed and final daily amount so the operators and the government can firmly establish the amounts of subsidy receivable on a current basis.

Timetable:

Action	Date	FR Cite
NPRM	12/23/85	50 FR 52339
NPRM Comment Period End	02/21/86	
Final Action	11/07/86	51 FR 40422
Final Action Effective	12/08/86	51 FR 40422

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Analysis: Draft Evaluation 12/23/85; Final Evaluation 11/07/86

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133-AA53

2052. MAKING EXCESS OR SURPLUS FEDERAL PROPERTY AVAILABLE TO THE UNITED STATES MERCHANT MARINE ACADEMY (USMMA), STATE MARITIME ACADEMIES AND APPROVED NONPROFIT MARITIME TRAINING INSTITUTIONS

Significance: Nonsignificant

Legal Authority: 46 USC 1295g

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: MARAD proposed to implement a provision in the Maritime Education and Training Act of 1980 to make excess or surplus vessels, shipboard equipment and other marine equipment available to the USMMA, State Maritime Academies and other nonprofit training institutions approved jointly by MARAD and the Coast Guard. Action has been suspended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	48 FR 54254
NPRM Comment Period End	01/16/84	48 FR 54254
Withdrawn	03/05/87	52 FR 6829

Small Entity: No

Additional Information: To be withdrawn to avoid interagency disagreement.

Affected Sectors: 442 Deep Sea Domestic Transportation; 444 Transportation on Rivers and Canals; 445 Local Water Transportation; 829 Schools and Educational Services, Not Elsewhere Classified

Analysis: Draft Regulatory Evaluation 12/01/83 (48 FR 54254); Final Regulatory Evaluation 04/00/85

Agency Contact: Arthur Friedberg, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5755**

RIN: 2133-AA34

2053. MERCHANT MARINE TRAINING; REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Legal Deadline: None.

Abstract: The Maritime Administration is considering amending its merchant marine training regulations to rescind a 10-percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges. The reduction which is being rescinded was published in the Federal Register on April 4, 1984, as one of a number of amendments to 46 CFR Part 310 (49 FR 13364). This action was considered necessary because the 1985 and 1986 funding levels for maritime training, contained in appropriation legislation, exceeded the funding level that had been reflected in the April 1984 MARAD rulemaking action.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Additional Information: Rulemaking withdrawn because 1987 maritime training appropriation was consistent with existing regulation.

Affected Sectors: 822 Colleges, Universities, Professional Schools, and Junior Colleges; 44 Water Transportation

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2648

RIN: 2133-AA42

[FR Doc. 87-6783 Filed 04-24-87; 8:45 am]

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Federal Register

Vol. 52, No. 80

Monday, April 27, 1987

INFORMATION AND ASSISTANCE

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PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

10357-10556.....1
10557-10724.....2
10725-10874.....3
10875-11018.....6
11019-11184.....7
11185-11452.....8
11453-11610.....9
11611-11806.....10
11807-11980.....13
11981-12128.....14
12129-12362.....15
12363-12510.....16
12511-12896.....17
12897-13068.....20
13069-13214.....21
13215-13424.....22
13425-13624.....23
13625-13822.....24
13822-15294.....27

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....13448

3 CFR

Proclamations:
5624.....11019
5625.....11453
5626.....11611
5627.....11613
5628.....11809
5629.....12126
5630.....12129
5631.....13412
5632.....13618
5633.....13620
5634.....13622
5635.....13625
5636.....13823
5637.....13825

Executive Orders:
12367 (Amended by EO 12593).....13624
12513 (*See* Notice of April 21, 1987).....13425
12591.....13414
12592.....13417
12593.....13624

Administrative Orders:
Memorandums:
April 17, 1987.....13419
Presidential Determinations:
No. 87-12 of March 17, 1987.....11807
Notices:
April 21, 1987.....13425

5 CFR

213.....11185
294.....13215
591.....12131
841.....12131
870.....12133
1201.....10875

Proposed Rules:
353.....11657
2411.....11995

7 CFR

55.....13627
56.....13627
59.....13627
70.....13627
210.....11186
271.....11811, 13220
272.....11021, 11811
273.....11021, 11811
274.....11811
278.....11811, 13220
301.....10357, 12363
354.....10364, 12897
713.....10725
717.....10725
724.....10725
725.....10725
726.....10725
770.....10725
900.....13630
907.....10728, 11615, 12511
910.....10729, 11615, 12511, 13632
917.....12512
925.....11616
927.....11616
932.....12134
946.....13069
948.....12513
981.....13427
989.....12515
1040.....11455
1097.....10729
1137.....10730
1200.....12898
1205.....12898
1207.....12898
1250.....12898
1434.....11617-11619
1468.....10731
1472.....10731
1475.....10725
1922.....11981
1944.....11981
1951.....11456, 11981

Proposed Rules:
1d.....13246
220.....12419
246.....12527
273.....13450
330.....12917
400.....10764
418.....11078
419.....11078
420.....11078
421.....11078
424.....11078
427.....11078
432.....11078
448.....11078
713.....13248
908.....12535
910.....12536
915.....13688
923.....13842
925.....13457
944.....13688
945.....10893
979.....12185
994.....10984, 12185
1011.....12186
1040.....12537
1046.....11475
1106.....12538
1210.....13086
1942.....12539

1955.....10577
1965.....10577

8 CFR

212.....11620
214.....13223
245.....13827
248.....11621
341.....13229
Proposed Rules:
245.....11659

9 CFR

78.....10554
92.....11022
94.....11622
102.....11024
114.....11024
151.....13070
166.....13230
318.....12517
335.....13827
Proposed Rules:
54.....12189
92.....10765
94.....12917, 13693
307.....12422
308.....12422
317.....10766, 11828
319.....10766, 11828
381.....11828

10 CFR

0.....11026
73.....12364
Proposed Rules:
2.....11475, 12192
30.....12921
40.....12921
50.....10771
70.....12921
430.....12342

11 CFR

100.....11187
102.....11187
103.....11187
104.....11187
110.....11187

12 CFR

202.....10732
203.....10365
205.....10734
226.....10875
500.....10557
564.....10557
611.....12135
614.....12143
624.....13428
701.....12365
708.....12370
741.....12365
Proposed Rules:
220.....13458
261.....13458
309.....13843
325.....11476, 11660
337.....11492
522.....12425
611.....13694
612.....11080
705.....12427

13 CFR

311.....11626

14 CFR

21.....11627
23.....11627
39.....10558, 10735, 10736, 11630–11639, 11985, 11986, 12517–12519, 13231–13233, 13632–13635
71.....10559, 11028, 11032–11034, 11815, 12899, 13173
73.....10559, 10560, 11033, 11034
95.....10737
97.....12519, 13636
1215.....10880
1260.....12378, 13375
Proposed Rules:
29.....11997
39.....10581, 11081, 11663, 11664, 11997, 11998, 12544, 12545, 13249, 13251
71.....10582, 11082, 11828, 12286, 12935, 13713
75.....12000, 12286

15 CFR

370.....11640
371.....10741
376.....11640
399.....11457, 11640, 13828
Proposed Rules:
7.....11498
30.....13714
280.....11498
368.....10771

16 CFR

13.....12379, 12900
Proposed Rules:
13.....12430, 12546
703.....13715

17 CFR

200.....12147
203.....12147
241.....11458
270.....11187
Proposed Rules:
210.....11665
229.....13715
239.....11665
240.....11083, 11089, 11665
279.....11665

18 CFR

4.....13234
16.....11035
37.....13638
271.....10741
381.....10366
Proposed Rules:
4.....10898
11.....10898
375.....10898
1301.....10772

19 CFR

24.....10561, 10970
133.....10668
146.....10970
148.....12149
172.....12149
177.....11216
Proposed Rules:
101.....13473
111.....10774
127.....12000

20 CFR

10.....10486
200.....11010, 13820
209.....11010
210.....11010
216.....11010
217.....11010
230.....11010
234.....11010
260.....11010
266.....11010
320.....11010
322.....11010
325.....11010
330.....11010
335.....11010
341.....11010
345.....11010
655.....11460
656.....11217
Proposed Rules:
200.....10384
404.....13014
416.....13014
615.....10774

21 CFR

5.....10881
81.....10882
172.....10882
175.....10883, 12380
177.....11641
184.....10884
193.....10561, 10562
201.....12152
341.....12521
510.....10668, 11040, 11041, 11988, 12153
520.....10668, 11041, 11988
522.....10668, 11816
524.....10668, 10886
529.....10668
558.....11040, 11041, 11642, 11988, 12153, 12521, 13641
561.....10562, 12153
573.....10887
1306.....13430
1308.....11042, 12285
Proposed Rules:
133.....12556
182.....13086
184.....13086
186.....13086
310.....13107
312.....12431
357.....12114
561.....12193
1301.....11091

22 CFR

2a.....12154
212.....11817
224.....13071
Proposed Rules:
41.....12001
171.....12936

23 CFR

Proposed Rules:
650.....11092
655.....11502

24 CFR

15.....12159
201.....11643
203.....11643
234.....11643
511.....11466
3283.....11644
Proposed Rules:
200.....11686
511.....11598
905.....10668
968.....10668

25 CFR

120.....11467
Proposed Rules:
40.....11503

26 CFR

1.....10368, 10741, 10742, 12161
5f.....10368
35a.....13430
54.....10563
602.....10368, 10563, 10742, 12161, 13430
Proposed Rules:
1.....10774, 12194
54.....10583
602.....10583, 10774

27 CFR

9.....13079
Proposed Rules:
9.....11689, 13844

28 CFR

0.....11043
545.....10528
Proposed Rules:
549.....10531

29 CFR

20.....13563
33.....11600
1610.....13829
2200.....13831
2603.....13437
2644.....10368
2676.....12163
Proposed Rules:
1601.....11503
1625.....10584
1910.....10586, 12116, 12559
1915.....12559
1917.....12559
1918.....12559
1919.....12559
1926.....12120, 12288, 12559
1928.....12559
2603.....13474

30 CFR

250.....13235
910.....13802
912.....13802
914.....10369, 10373
921.....13802
922.....13802
933.....13802
937.....13802
939.....13802
941.....13802
946.....11044
947.....13802
Proposed Rules:
700.....11829
723.....1287

724.....11287
733.....10898
845.....11287
846.....11287
910.....11287
912.....11287
921.....11287
922.....11287
933.....11287
934.....12002
935.....11692
937.....11287
938.....12195, 13109
939.....11287
941.....11287
942.....11287
946.....13252
947.....11287

31 CFR

1.....11989
103.....11436, 12641

Proposed Rules:

1.....12003

32 CFR

154.....11219
286.....13641
701.....11051
706.....10374, 10748, 10749, 13237, 13664
1630.....12641
1662.....13665

Proposed Rules:

552.....13719
1662.....11830

33 CFR

3.....13082, 13788
60.....11506
62.....11506
66.....11506
100.....11506, 13832
110.....11512, 11645
117.....11646
165.....12380, 13832

Proposed Rules:

100.....10593, 10594, 10905, 10906, 11693, 13011
117.....11695, 12431, 13847

34 CFR

628.....11256
639.....12508

Proposed Rules:

206.....11448
230.....13212
650.....12360
764.....13608
765.....13608
766.....13608

36 CFR

1.....10670
2.....10670
4.....10670
7.....10670
34.....10670
228.....10564

Proposed Rules:

1.....12037
2.....12037
9.....10866
902.....13722
1250.....13724
1258.....13724

37 CFR

1.....13833

Proposed Rules:

307.....11096

38 CFR

1.....10888
17.....11259, 13440
21.....13238
36.....12381

Proposed Rules:

17.....10907
21.....13110

39 CFR

10.....10375, 13442
111.....10749
224.....12900
233.....12900
265.....13667
273.....12900
962.....12900
3001.....13443

Proposed Rules:

111.....12432, 12559
265.....12434
447.....12196, 13011

40 CFR

52.....10751, 11259, 11647, 12164, 12522, 12523, 12908, 13671
60.....10852, 11420
110.....10712
180.....10375, 10376, 10565, 10567, 11260, 11261, 12165–12167, 12525, 13173, 13239
261.....11819
266.....11819
271.....10568, 11263, 13673
300.....13378
355.....13378
721.....11822
761.....10688
799.....10377, 10752

Proposed Rules:

52.....10596, 11287, 11288, 11696, 12940
61.....13586
85.....12561, 12563
123.....12039
141.....10972, 12876
142.....10972
143.....10972
147.....13848
180.....11292, 11293, 12198, 13478
261.....11513
264.....12566
265.....12566
280.....12662, 12786, 13375
281.....12853
300.....11513
700.....12940
721.....12285

41 CFR

Ch. 61.....13674
101–20.....11263
101–28.....11275
101–41.....12168
201–32.....10379, 13173

42 CFR

7.....11072
400.....11647
482.....11647
1001.....11649
1003.....11649

Proposed Rules:

405.....11517

43 CFR

426.....11938
2090.....12171, 13084, 13563

Proposed Rules:

11.....12886

44 CFR

5.....13674
6.....13674
64.....10753, 12178, 13838

Proposed Rules:

5.....10385
6.....10385
67.....11702

45 CFR

Ch. II.....11073
Ch. III.....11073
Ch. IV.....11073
Ch. X.....11073
503.....13680
2201.....10870

Proposed Rules:

503.....11712, 12040

46 CFR

160.....13445
401.....11468
503.....13681

Proposed Rules:

Chapter I.....12439
154.....10598
160.....13479
276.....12199
382.....11518
502.....10912, 12208, 12212
503.....12212
586.....11832

47 CFR

0.....12382
1.....11652, 13240
2.....10568
15.....13241
22.....10571
25.....12911
67.....13445, 13684
73.....10381, 10382, 10568, 10757, 11471–11473, 11653, 11825, 12180, 12181, 12912, 13241–13243, 13445, 13446 13849–13853
74.....10568, 11474
78.....10568
97.....13243

Proposed Rules:

Ch. I.....13481, 13727
1.....11519
2.....13481
21.....11519, 11838
25.....12944
73.....11519–11521, 11837, 11840–11842, 12214–12216, 12285, 12945, 13253
74.....11519
90.....10389
94.....11519 11838

48 CFR

7.....11074
203.....12383
205.....12386
215.....11276, 13447
216.....12387
217.....11076, 12387
225.....12389
227.....12390
243.....12387
245.....12389
252.....11076, 11276, 12383, 12386, 12389, 12390, 13447
522.....12182
542.....11825
552.....12182
1831.....13685
5315.....12414

Proposed Rules:

225.....12440
509.....10913

49 CFR

Ch. IX.....12916
107.....13034
171.....13034
172.....13034
173.....13034
174.....13034
176.....13034
177.....13034
178.....13034
179.....13034
219.....10575
604.....11916
1002.....13244, 13686
1003.....11277
1043.....11277
1052.....11991
1084.....11277
1138.....13840
1207.....10382
1244.....12415
1249.....10382

Proposed Rules:

Ch. X.....11295
571.....10775
701.....13066
393.....13853
396.....13853
1071.....13729
1072.....13729
1135.....13482
1145.....13482
1312.....10913
1320.....11295

50 CFR

17.....10890, 11162, 11277
301.....10759, 13788
611.....10761
642.....10762
652.....10763
663.....11473
672.....10761, 11991, 12183, 12916
675.....10761, 11992, 13375
685.....12641

Proposed Rules:

17.....13254, 13729, 13790–13797
32.....13484
33.....13484
222.....12040

227 12040
640 ..... 10780, 13257
642 11713
651 10781
652 12575

LIST OF PUBLIC LAWS

Last List April 23, 1987

Note: No public bills which have become law were received by the Office of the **Federal Register** for inclusion in today's **List of Public Laws.**

Last List April 24, 1987

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4	14.00	Jan. 1, 1987
5 Parts:		
1-1199	25.00	Jan. 1, 1987
*1200-End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
0-45	25.00	Jan. 1, 1987
46-51	16.00	Jan. 1, 1987
52	23.00	Jan. 1, 1987
53-209	18.00	Jan. 1, 1987
210-299	22.00	Jan. 1, 1987
300-399	10.00	Jan. 1, 1987
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900-999	20.00	Jan. 1, 1986
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1945-End	23.00	Jan. 1, 1986
8	9.50	Jan. 1, 1987
9 Parts:		
1-199	18.00	Jan. 1, 1987
200-End	16.00	Jan. 1, 1987
10 Parts:		
0-199	29.00	Jan. 1, 1987
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400-499	14.00	Jan. 1, 1987
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	11.00	Jan. 1, 1987
*200-299	27.00	Jan. 1, 1987
300-499	13.00	Jan. 1, 1987
500-End	26.00	Jan. 1, 1986
13	19.00	Jan. 1, 1987
14 Parts:		
1-59	20.00	Jan. 1, 1986
*60-139	19.00	Jan. 1, 1987
140-199	9.50	Jan. 1, 1987
200-1199	14.00	Jan. 1, 1986
1200-End	11.00	Jan. 1, 1987
15 Parts:		
0-299	10.00	Jan. 1, 1987
300-399	20.00	Jan. 1, 1986
400-End	14.00	Jan. 1, 1987
16 Parts:		
0-149	12.00	Jan. 1, 1987
*150-999	13.00	Jan. 1, 1987
1000-End	19.00	Jan. 1, 1987
17 Parts:		
1-239	26.00	Apr. 1, 1986
240-End	19.00	Apr. 1, 1986
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
19	29.00	Apr. 1, 1986
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	21.00	Apr. 1, 1986
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
1300-End	6.50	Apr. 1, 1986
22	28.00	Apr. 1, 1986
23	17.00	Apr. 1, 1986
24 Parts:		
0-199	15.00	Apr. 1, 1986
200-499	24.00	Apr. 1, 1986
500-699	8.50	Apr. 1, 1986
700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
§§ 1.0-1.169	29.00	Apr. 1, 1986
§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
§§ 1.401-1.500	20.00	Apr. 1, 1986
§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	16.00	Apr. 1, 1986
§§ 1.851-1.1200	29.00	Apr. 1, 1986
§§ 1.1201-End	29.00	Apr. 1, 1986
2-29	19.00	Apr. 1, 1986
30-39	13.00	Apr. 1, 1986
40-299	25.00	Apr. 1, 1986
300-499	14.00	Apr. 1, 1986
500-599	8.00	[2] Apr. 1, 1980
600-End	4.75	Apr. 1, 1986
27 Parts:		
1-199	20.00	Apr. 1, 1986
200-End	14.00	Apr. 1, 1986
28	21.00	July 1, 1986
29 Parts:		
0-99	16.00	July 1, 1986
100-499	7.00	July 1, 1986
500-899	24.00	July 1, 1986
900-1899	9.00	July 1, 1986
1900-1910	27.00	July 1, 1986
1911-1919	5.50	[3] July 1, 1984
1920-End	29.00	July 1, 1986
30 Parts:		
0-199	16.00	[4] July 1, 1985
200-699	8.50	July 1, 1986
700-End	17.00	July 1, 1986
31 Parts:		
0-199	11.00	July 1, 1986
200-End	16.00	July 1, 1986

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	15.00	[5] July 1, 1984
1–39, Vol. II	19.00	[5] July 1, 1984
1–39, Vol. III	18.00	[5] July 1, 1984
1–189	17.00	July 1, 1986
190–399	23.00	July 1, 1986
400–629	21.00	July 1, 1986
630–699	13.00	July 1, 1986
700–799	15.00	July 1, 1986
800–End	16.00	July 1, 1986
33 Parts:		
1–199	27.00	July 1, 1986
200–End	18.00	July 1, 1986
34 Parts:		
1–299	20.00	July 1, 1986
300–399	11.00	July 1, 1986
400–End	25.00	July 1, 1986
35	9.50	July 1, 1986
36 Parts:		
1–199	12.00	July 1, 1986
200–End	19.00	July 1, 1986
37	12.00	July 1, 1986
38 Parts:		
0–17	21.00	July 1, 1986
18–End	15.00	July 1, 1986
39	12.00	July 1, 1986
40 Parts:		
1–51	21.00	July 1, 1986
52	27.00	July 1, 1986
53–60	23.00	July 1, 1986
61–80	10.00	July 1, 1986
81–99	25.00	July 1, 1986
100–149	23.00	July 1, 1986
150–189	21.00	July 1, 1986
190–399	27.00	July 1, 1986
400–424	22.00	July 1, 1986
425–699	24.00	July 1, 1986
700–End	24.00	July 1, 1986
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	9.50	July 1, 1986
101	23.00	July 1, 1986
102–200	12.00	July 1, 1986
201–End	7.50	July 1, 1986
42 Parts:		
1–60	15.00	Oct. 1, 1986
61–399	10.00	Oct. 1, 1986
400–429	20.00	Oct. 1, 1986
430–End	15.00	Oct. 1, 1986
43 Parts:		
1–999	14.00	Oct. 1, 1986
1000–3999	24.00	Oct. 1, 1986
4000–End	11.00	Oct. 1, 1986
44	17.00	Oct. 1, 1986
45 Parts:		
1–199	13.00	Oct. 1, 1986
200–499	9.00	Oct. 1, 1986
500–1199	18.00	Oct. 1, 1986
1200–End	13.00	Oct. 1, 1986
46 Parts:		
1–40	13.00	Oct. 1, 1986
41–69	13.00	Oct. 1, 1986
70–89	7.00	Oct. 1, 1986
90–139	11.00	Oct. 1, 1986
140–155	8.50	[7] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
200–499	19.00	Oct. 1, 1986
500–End	9.50	Oct. 1, 1986
47 Parts:		
0–19	17.00	Oct. 1, 1986
20–39	18.00	Oct. 1, 1986
40–69	11.00	Oct. 1, 1986
70–79	17.00	Oct. 1, 1986
80–End	20.00	Oct. 1, 1986
48 Chapters:		
1 (Parts 1–51)	21.00	Oct. 1, 1986
1 (Parts 52–99)	16.00	Oct. 1, 1986
2	27.00	Dec. 31, 1986
3–6	17.00	Oct. 1, 1986
7–14	23.00	Oct. 1, 1986
15–End	22.00	Oct. 1, 1986
49 Parts:		
1–99	10.00	Oct. 1, 1986
100–177	24.00	Oct. 1, 1986
178–199	19.00	Oct. 1, 1986
200–399	17.00	Oct. 1, 1986
400–999	21.00	Oct. 1, 1986
1000–1199	17.00	Oct. 1, 1986
1200–End	17.00	Oct. 1, 1986
50 Parts:		
1–199	15.00	Oct. 1, 1986
200–End	25.00	Oct. 1, 1986
CFR Index and Findings Aids	27.00	Jan. 1, 1987
Complete 1987 CFR set	595.00	1987
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1986
Subscription (mailed as issued)	185.00	1987
Individual copies	3.75	1987

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[4] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[7] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

4-27-87
Vol. 52 No. 80

BOOK 2:
Pages 14681-15294

Federal Register

Book 2 of 2 Books
Monday, April 27, 1987

Unified Agenda of Federal Regulations

14682 Part XV—Department of the Treasury
14844 Part XVI—ACTION
14848 Part XVII—Advisory Council on Historic Preservation
14850 Part XVIII—Architectural and Transportation Barriers Compliance Board
14854 Part XIX—Environmental Protection Agency
14924 Part XX—Equal Employment Opportunity Commission
14930 Part XXI—Federal Emergency Management Agency
14942 Part XXII—Federal Mediation and Conciliation Service
14944 Part XXIII—General Services Administration
14960 Part XXIV—International Development Cooperation Agency/Agency for International Development
14964 Part XXV—Merit Systems Protection Board
14968 Part XXVI—National Aeronautics and Space Administration
14976 Part XXVII—National Archives and Records Administration
14982 Part XXVIII—National Foundation on the Arts and the Humanities/National Endowment for the Arts
14986 Part XXIX—National Foundation on the Arts and the Humanities/National Endowment for the Humanities
14988 Part XXX—National Science Foundation
14992 Part XXXI—Office of Management and Budget
14998 Part XXXII—Office of Personnel Management
15018 Part XXXIII—Panama Canal Commission
15022 Part XXXIV—Peace Corps
15026 Part XXXV—Pennsylvania Avenue Development Corporation
15028 Part XXXVI—Pension Benefit Guaranty Corporation
15038 Part XXXVII—Railroad Retirement Board

15046 Part XXXVIII—Selective Service System

15048 Part XXXIX—Small Business Administration

15058 Part XL—Tennessee Valley Authority

15062 Part XLI—Veterans Administration

15086 Part XLII—Department of Defense/General Services Administration/National Aeronautics and Space Administration

15104 Part XLIII—Commodity Futures Trading Commission

15110 Part XLIV—Consumer Product Safety Commission

15118 Part XLV—Farm Credit Administration

15126 Part XLVI—Federal Communications Commission

15138 Part XLVII—Federal Deposit Insurance Corporation

15144 Part XLVIII—Federal Energy Regulatory Commission, DOE

15152 Part XLIX—Federal Home Loan Bank Board

15158 Part L—Federal Maritime Commission

15168 Part LI—Federal Reserve System

15178 Part LII—Federal Trade Commission

15188 Part LIII—Interstate Commerce Commission

15196 Part LIV—National Credit Union Administration

15204 Part LV—Nuclear Regulatory Commission

15230 Part LVI—Securities and Exchange Commission

federal register

Monday
April 27, 1987

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices (formerly Office of the Secretary), Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the Agenda, contact Richard S. Carro, Director, Office of Legislation, Litigation, and Regulation, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 566-2558, not a toll-free call.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Departmental Offices includes the Office of the General Counsel and the Office of Revenue Sharing.

DATED: February 26, 1987.

Robert B. Zoellick,

Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2054	31 CFR 1 Disclosure of Records	1505-AA01
2055	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17
2056	17 CFR 4 Implementing Regulations; Government Securities Act of 1986	1505-AA21

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2057	31 CFR 103 Bank Secrecy Act Amendments to Implementing Regulations	1505-AA18
2058	31 CFR 16, (New) Interim Regulations Governing Prepayment of Loans Made by the Federal Financing Bank and Guaranteed by the Rural Electrification Administration	1505-AA19
2059	31 CFR 5 Debt Collection; Administrative Offset	1505-AA22
2060	31 CFR 5 Debt Collection; Tax Refund Offset	1505-AA23
2061	31 CFR 18 Tax Basis Guidelines for Offering of Conrail Stock	1505-AA24

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Proposed Rule Stage

2054. ● DISCLOSURE OF RECORDS

Legal Authority: 5 USC 552; 5 USC 552a; 31 USC 321

CFR Citation: 31 CFR 1

Legal Deadline: None.

Abstract: This regulation amends the Department's regulations implementing the Freedom of Information and Privacy Acts. The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Departmental Offices, Washington, DC 20220, **202 566-2789**

RIN: 1505-AA01

2055. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None.

TREAS—DO **Proposed Rule Stage**

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend public comment period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 535-6787

RIN: 1505-AA17

2056. ● IMPLEMENTING REGULATIONS; GOVERNMENT SECURITIES ACT OF 1986

Significance: Regulatory Program

Legal Authority: 15 USC 780-4; 31 USC 3121; 31 USC 9110

CFR Citation: 17 CFR 4

Legal Deadline: Statutory. Proposed regulations: 02/25/87; Temporary regulations: 05/26/87; Final regulations: 07/25/87

Abstract: These regulations will implement the Government Securities Act of 1986 (Pub. L. 99-571), which requires the Secretary of the Treasury to adopt regulations concerning the financial responsibility, protection of customer securities and balances, recordkeeping, reporting and audit of brokers and dealers in government securities.

Timetable:

Action	Date	FR Cite
NPRM	02/25/87	52 FR 05660
NPRM Comment Period End	03/27/87	52 FR 05660
Interim Final Rule	05/00/87	
Final Action	07/00/87	

Small Entity: Undetermined

Agency Contact: Ellen Seidman, Special Assistant to the Undersecretary, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 4414, Washington, DC 20220, 202 566-2278

RIN: 1505-AA21

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Completed Actions

2057. BANK SECRECY ACT AMENDMENTS TO IMPLEMENTING REGULATIONS

Legal Authority: 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5323

CFR Citation: 31 CFR 103

Legal Deadline: None.

Abstract: This regulation is intended to strengthen the enforcement of the Bank Secrecy Act. Among the most important proposals are several complementary measures that address the problem of professional money laundering by adding new recordkeeping and reporting requirements. Additional proposals would require foreign currency dealers to maintain additional records, require banks to obtain signed statements from customers whose transactions they wish to exempt from reporting, and require financial institutions to retain records of certain purchases of more than $3000 in monetary instruments.

Timetable:

Action	Date	FR Cite
NPRM	08/25/86	51 FR 30233
NPRM Comment Period End	11/24/86	51 FR 30234
Final Action	12/17/86	51 FR 45108
Final Action Effective	12/17/86	51 FR 45108

Small Entity: Not Applicable

Agency Contact: Linda Noonan, Attorney Advisor, Department of the Treasury, Departmental Offices, Office of the Assistant General Counsel, (Enforcement), Room 2000, Washington, DC 20220, 202 566-2941

RIN: 1505-AA18

2058. INTERIM REGULATIONS GOVERNING PREPAYMENT OF LOANS MADE BY THE FEDERAL FINANCING BANK AND GUARANTEED BY THE RURAL ELECTRIFICATION ADMINISTRATION

Legal Authority: PL 99-349, Title I, Chapter I; 31 USC 321

CFR Citation: 31 CFR 16, (New)

Legal Deadline: Statutory, August 1, 1986.

Abstract: The interim regulations implement the provisions of the undesignated paragraph relating to the prepayment of loans by rural electric and telephone systems of Chapter I of Title I of Public Law 99-349.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/86	51 FR 28810
Interim Final Rule Effective	08/12/86	51 FR 28810
Public Comment Requested; Comment Period Ends 09/11/86	08/12/86	51 FR 28810
Withdrawn	02/20/87	52 FR 05281

Small Entity: Not Applicable

Agency Contact: John E. Bowman, Senior Counsel for Finance, Department of the Treasury, Departmental Offices, Office of the General Counsel, Room 2026, Washington, DC 20220, 202 566-8737

RIN: 1505-AA19

2059. ● DEBT COLLECTION; ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3711

CFR Citation: 31 CFR 5

Legal Deadline: None.

Abstract: These regulations provide procedures that the Department of the Treasury will use for the collection of debts by means of administrative offset, and implement the procedures contained in the Debt Collection Act of 1982.

TREAS—DO **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action	01/02/87	52 FR 00051
Final Action Effective	01/02/87	52 FR 00051

Small Entity: Not Applicable

Agency Contact: Lorna R. Glassman, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 1409, Washington, DC 20220, 202 566-2327

RIN: 1505-AA22

2060. ● DEBT COLLECTION; TAX REFUND OFFSET

Legal Authority: 31 USC 3711; 31 USC 3720A

CFR Citation: 31 CFR 5

Legal Deadline: None.

Abstract: These regulations implement 31 USC 3720A, which authorizes Federal agencies to notify the Internal Revenue Service of past-due legally enforceable debts for the purpose of offsetting the debtors tax refund by the amount of the debt. The regulations affect any taxpayer who has made an overpayment of taxes and who owes a past-due legally enforceable debt to a bureau of the Department of the Treasury.

Timetable:

Action	Date	FR Cite
Final Action	01/02/87	52 FR 00049
Final Action Effective	01/02/87	52 FR 00049

Small Entity: No

Agency Contact: Lorna R. Glassman, Department of the Treasury, Departmental Offices, Room 1409, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, 202 566-2327

RIN: 1505-AA23

2061. ● TAX BASIS GUIDELINES FOR OFFERING OF CONRAIL STOCK

Legal Authority: PL 99-509, Sec 8021

CFR Citation: 31 CFR 18

Legal Deadline: None.

Abstract: This document provides rules relating to the determination for Federal income tax purposes of the deemed purchase price of the Consolidated Rail Corporation ("Conrail") as a result of the public offering of Conrail common stock pursuant to Part III of Subtitle A of Title VIII of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	01/14/87	52 FR 01451
Interim Final Rule	01/14/87	52 FR 1451
NPRM Comment Period End	03/15/87	52 FR 01451

Small Entity: Not Applicable

Agency Contact: Thomas Wessel, Office of Tax Legislative Counsel, Department of the Treasury, Departmental Offices, Office of Tax Policy, Washington, DC 20220, 202 566-4979

RIN: 1505-AA24

[FR Doc. 87-6611 Filed 04-24-87; 8:45 am]

BILLING CODE 4810-25-T

Office of Revenue Sharing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2062	31 CFR 51 Final Wind-Down of Revenue Sharing Program	1507-AA12

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Office of Revenue Sharing (ORS)

2062. FINAL WIND-DOWN OF REVENUE SHARING PROGRAM

Legal Authority: 31 USC 6701 to 6724; PL 99-272

CFR Citation: 31 CFR 51

Legal Deadline: None.

Abstract: Congress has repealed the Revenue Sharing Act effective December 31, 1986 or the adjournment sine die of the 99th Congress whichever is earlier. Some regulatory changes have been made but final changes may need to be made in the regulations in order to effectuate this repeal. No alternative to wind-down of the Program or repeal of the Act exists. The elimination of the Program will be a substantial cost-cutting action.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, 202 634-5182

RIN: 1507-AA12

[FR Doc. 87-6611 Filed 04-24-87; 8:45 am]

BILLING CODE 4810-28-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

DATED: February 25, 1987.

W. E. Douglas,

Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2063	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method ...	1510-AA09

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2064	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2065	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method ...	1510-AA10

DEPARTMENT OF THE TREASURY (TREAS) — Prerule Stage
Financial Management Service (FMS)

2063. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None.

Abstract: Revision of 31 CFR 210 will expand the Direct Deposit/Electronic Funds Transfer (DD/EFT) program so that payments to meet Federal obligations can be made directly by DD/EFT. These include non-benefit payments such as vendor payments, miscellaneous payments, Internal Revenue Service (IRS) tax refunds, savings bonds, grants and loans. It will also include the payment of discretionary allotments of net pay of Federal employees' salaries by DD/EFT. Electronic funds thus transferred through the Federal Reserve System eliminate the possibility of checks being lost, stolen, or forged. The Federal Government's operating efficiency will be improved, productivity will be increased, and the costs associated with the current methods will be reduced.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Frasia Trice, Manager, Policy and Research Branch, Department of the Treasury, Financial

TREAS—FMS **Prerule Stage**

Management Service, Treasury Annex 1, Room 204, Washington, DC 20226, 202 566-9839

RIN: 1510-AA09

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2064. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None.

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Dependent on legislation that is expected to pass.	00/00/00	

Small Entity: No

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.

Government Levels Affected: Local, State, Federal

Agency Contact: Katherine Payne, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Treasury Anx. 1, PB 802, Madison Place and Pennyslvania, NW, Washington, DC 20226, 202 634-5704

RIN: 1510-AA00

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

2065. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None.

Abstract: There are three reasons for this revision of 31 CFR Part 210, which defines the responsibilities and liabilities of the Federal Reserve Banks, financial institutions, and recipients participating in the Automated Clearing House (ACH) payment system. First, changes regarding the enrollment procedure are made to allow the United States Department of the Treasury to devise, test, and implement creative and innovative means of enrollment while improving the Direct Deposit/Electronic Funds Transfer system's flexibility. Second, the problem of fraud in the Direct Deposit Program is addressed. Finally, the overall clarity and arrangement of the regulation is improved. This revision addresses these needs.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2899
The above NPRM was republished in its entirety due to typesetting errors	02/05/86	51 FR 4508
Final Action	01/22/87	52 FR 2405
Final Action Effective	02/23/87	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Frasia Trice, Manager, Policy Research Branch, Department of the Treasury, Financial Management Service, Treasury Annex #1, Room 204, Washington, DC 20226, 202 566-9839

RIN: 1510-AA10

[FR Doc. 87-6612 Filed 04-24-87; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 627]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of October 1987.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weins, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566-7626.

Issuance

By Direction of the Secretary of the Treasury, this general notice reads as set forth below.

DATED: February 17, 1987.

W. T. Drake,

Acting Director.

Bureau of Alcohol, Tobacco and Firearms—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2066	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2067	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2068	27 CFR 9 American Viticultural Areas	1512-AA07
2069	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2070	27 CFR 197 Nonbeverage Drawback	1512-AA20
2071	27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
2072	27 CFR 4.26 Estate Bottled	1512-AA34
2073	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2074	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2075	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2076	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2077	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2078	27 CFR 25 Operation of a Retail Beer Dealership for on-premises consumption at a Brewery	1512-AA78
2079	27 CFR 55 Fireworks Regulations	1512-AA52
2080	27 CFR 178 Restrictions on Manufacture, Importation and Sale of Armor Piercing Ammunition	1512-AA79
2081	27 CFR 178 Simplified Recordkeeping for Low-volume Firearms Dealers	1512-AA80
2082	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28
2083	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2084	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2085	27 CFR 5.22(b)(1)(iii) Change in Standard of Identity for Straight Whiskies of the Same Type	1512-AA32
2086	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2087	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2088	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2089	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2090	27 CFR 4.35 Winemaking Terminology	1512-AA70
2091	27 CFR 7 Use of Terms in the Labeling and Advertising of Malt Beverages Having an Alcohol Content of Less Than .5% by Volume	1512-AA73
2092	27 CFR 5 Listing of Principal Place of Business on Distilled Spirits Labels	1512-AA74
2093	27 CFR 72 Amendments to the Gun Control Act of 1968	1512-AA75

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2094	27 CFR 19.377 Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands	1512-AA09
2095	27 CFR 5.22 Reduced Proof Distilled Spirits Products	1512-AA36
2096	27 CFR 5.37 Replacement of Proof Statement with Percentage-of-Alcohol- by-Volume Statement on Distilled Spirits Labels	1512-AA62

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2066. ● STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

Legal Deadline: None.

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/87	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA77

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2067. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105

Legal Deadline: None.

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA06

2068. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None.

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Bell Mountain, TX (contact Steve Simon)
NPRM 06/03/86 (51 FR 19854)
NPRM Comment Period End 07/03/86
Final Action 10/10/86 (51 FR 36398)

Ben Lomond Mountain, CA (contact Robert White)
NPRM 03/00/87

El Dorado, CA - Amendment (contact Jim Hunt)
NPRM 06/03/86 (51 FR 19853)
NPRM Comment Period End 07/03/86
Final Action 04/00/87

Middle Rio Grande Valley, NM (contact Ed Reisman)
NPRM 07/00/87

Monticello, VA - Amendment (contact Jim Hunt)
NPRM 06/03/86 (51 FR 19856)
NPRM Comment Period End 07/03/86
Final Action 04/00/87

North Fork of Long Island, NY (contact Ed Reisman)
NPRM 03/21/86 (51 FR 9846)
Final Action 10/10/86 (51 FR 39396)

Northern Neck, VA (contact Ed Reisman)
NPRM 09/17/85 (50 FR 37692)
NPRM Comment Period End 11/01/85
Final Action 06/00/87

Old Mission Peninsula, MI (contact Ed Reisman)
NPRM 11/18/86 (51 FR 41639)
NPRM Comment Period End 01/02/87
Final Action 07/00/87

Ozark Highlands, MO (contact Steve Simon)
NPRM 02/09/87 (52 FR 4036)
NPRM Comment Period End 03/26/87
Final Action 12/00/87

San Lucas, CA (contact Mike Breen)
NPRM 08/18/86 (51 FR 29478)
NPRM Comment Period End 10/17/86
Final Action 01/29/87 (52 FR 2943)

Sonoma Coast, CA (contact John Linthicum)
NPRM 10/24/86 (51 FR 37755)
NPRM Comment Period End 01/22/87
Final Action 04/00/87

Stags Leap District, CA (contact Jim Ficaretta)
NPRM 02/11/87 (52 FR 4350)
NPRM Comment Period End 04/13/87
Final Action 12/00/87

Warren Hills, NJ (contact Steve Simon)
NPRM 09/00/87

Small Entity: No

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA07

2069. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None.

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA17

2070. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None.

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA20

2071. GRAPE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205E; 27 USC 205F

CFR Citation: 27 CFR 4.29

Legal Deadline: None.

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Michael Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA31

2072. ESTATE BOTTLED

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.26

Legal Deadline: None.

TREAS—BATF **Proposed Rule Stage**

Abstract: To redefine estate bottled requirements and provide for additional terms to provide requirements for imported wine.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Areil Riod Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA34

2073. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None.

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA50

2074. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None.

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20026, 202 566-7531

RIN: 1512-AA69

2075. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None.

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: John Kodadek, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 535-6245

RIN: 1512-AA71

2076. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None.

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wines and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA72

2077. ● LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None.

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages, because of evidence indicating the possibility of allergic-type reactions to

the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA76

2078. ● OPERATION OF A RETAIL BEER DEALERSHIP FOR ON-PREMISES CONSUMPTION AT A BREWERY

Significance: Agency Priority

Legal Authority: 26 USC 5411

CFR Citation: 27 CFR 25

Legal Deadline: None.

Abstract: ATF is proposing to establish criteria and procedures for operating a retail beer dealership for on-premises consumption at a brewery. This proposal is the result of a petition submitted by Mr. Bill Owens, proprietor of Buffalo Bill's Brewery, located in Hayward, CA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA78

FIREARMS

2079. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC Chapter 40

CFR Citation: 27 CFR 55

Legal Deadline: None.

Abstract: Information gathering on Safe Handling of Explosive Materials in the Fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	08/00/87	

Small Entity: No

Agency Contact: Larry White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7591

RIN: 1512-AA52

2080. ● RESTRICTIONS ON MANUFACTURE, IMPORTATION AND SALE OF ARMOR PIERCING AMMUNITION

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None.

Abstract: ATF is amending regulations to implement provisions of Public Law 99-408. The amended regulations will restrict the manufacture, importation and sale of armor piercing ammunition.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	52 FR 2053
Interim Final Rule	01/16/87	52 FR 2048
NPRM Comment Period End	04/16/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Daniel Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA79

2081. ● SIMPLIFIED RECORDKEEPING FOR LOW-VOLUME FIREARMS DEALERS

Significance: Agency Priority

Legal Authority: 18 USC 926

CFR Citation: 27 CFR 178

Legal Deadline: None.

Abstract: ATF is proposing to simplify recordkeeping procedures for sales or other dispositions of firearms by low-volume dealers.

Timetable:

Action	Date	FR Cite
NPRM	02/12/87	52 FR 4509
NPRM Comment Period End	05/13/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Daniel crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA80

TOBACCO PRODUCTS

2082. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None.

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	07/00/87	

Small Entity: No

TREAS—BATF **Proposed Rule Stage**

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512-AA28

2083. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None.

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512-AA33

DEPARTMENT OF THE TREASURY (TREAS) — Final Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2084. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None.

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Riod Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA10

2085. CHANGE IN STANDARD OF IDENTITY FOR STRAIGHT WHISKIES OF THE SAME TYPE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(b)(1)(iii); 27 CFR 19.346(b)

Legal Deadline: None.

Abstract: Current regulations do not provide for distilled spirits plant proprietors to mingle and still designate as straight whiskies of the same type produced at different distilleries or produced by different distillers. This project will allow such whiskies to be labeled as straight as long as the whiskies are produced within the same state. Their only alternative is to leave the regulations as they are and to not allow such whiskies to be mingled and designated as straight. We do not anticipate any extra costs to result from this change in regulations. This change will result in greater flexibility for distilled spirits plant proprietors.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19333
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 30538
Extended NPRM Comment Period Ends	10/29/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512-AA32

2086. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None.

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period Ends	12/31/86	
Final Action	07/00/87	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue,

NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA42

2087. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None.

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period Ends	12/31/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA48

2088. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None.

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
Extended NPRM Comment Period Ends	03/01/85	
Final Action	05/00/87	

Small Entity: No

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA61

2089. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None.

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on a wine label. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period Ends	07/07/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7595

RIN: 1512-AA67

2090. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None.

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA70

2091. USE OF TERMS IN THE LABELING AND ADVERTISING OF MALT BEVERAGES HAVING AN ALCOHOL CONTENT OF LESS THAN .5% BY VOLUME

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 7

Legal Deadline: None.

Abstract: ATF is proposing to incorporate into the regulations two Rulings (Rev. Rul. 57-322 and ATF Rul. 85-11) regarding the use of the terms "Non-Alcoholic," "Alcohol-Free," "Near Beer," and "Cereal Beverage" in the labeling and advertising of Malt Beverages.

TREAS—BATF **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39666
NPRM Comment Period End	01/28/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Jim Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA73

2092. LISTING OF PRINCIPAL PLACE OF BUSINESS ON DISTILLED SPIRITS LABELS

Significance: Agency Priority

Legal Authority: 26 USC 7805; 27 USC 205

CFR Citation: 27 CFR 5; 27 CFR 19

Legal Deadline: None.

Abstract: Will allow producers of distilled spirits who operate more than one distilled spirits plant to use a principal place of business as the address shown on labels in lieu of listing the actual place of production, provided the producer establishes a coding system for identifying where the product was actually bottled.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 37605
NPRM Comment Period End	12/24/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Jim Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512-AA74

FIREARMS

2093. AMENDMENTS TO THE GUN CONTROL ACT OF 1968

Significance: Agency Priority

Legal Authority: PL 99-308; PL 99-360

CFR Citation: 27 CFR 72; 27 CFR 178; 27 CFR 179

Legal Deadline: None.

Abstract: Implements changes required by Public Law 99-308 (Gun Owners Protection Act of 1968), and amendments thereto (Public Law 99-360).

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39635
Interim Final Rule	10/29/86	51 FR 39612
NPRM Comment Period End	01/27/87	
NPRM Comment Period Extended	01/28/87	52 FR 2865
NPRM Extended Comment Period Ends	02/27/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Dan Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7591

RIN: 1512-AA75

DEPARTMENT OF THE TREASURY (TREAS) — Completed Actions

Bureau of Alcohol, Tobacco and Firearms (BATF)

2094. REPORTING TAXES DUE TO THE GOVERNMENTS OF PUERTO RICO AND THE VIRGIN ISLANDS

Significance: Agency Priority

Legal Authority: 26 USC 5555; 26 USC 5207

CFR Citation: 27 CFR 19.377

Legal Deadline: None.

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants. The reporting requirement will remain as a line item on the proprietor's monthly reports. However, the time for recording tax determination of insular spirits will change from the time these spirits enter the processing account to the time of tax determination.

Timetable:

Action	Date	FR Cite
NPRM	04/13/81	46 FR 21624
NPRM - Amended	02/14/85	50 FR 6200
Final Action	11/04/86	51 FR 40023
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: Jackie White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512-AA09

2095. REDUCED PROOF DISTILLED SPIRITS PRODUCTS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None.

Abstract: ATF is proposing to amend the regulations to provide for reduced proof distilled spirits products similar to "light beer," "light wine" and similar "light products which have become increasingly popular with consumers in recent years. Since 1968, the words "light whisky" have referred to whisky produced by two processes which are different from other American whiskies and the term "light" does not refer to lower alcohol content. However, ATF is considering abolishing "light whisky" as a standard of identity, so that the word "light" can refer only to reduced alcohol content. Unlike wine and beer, distilled spirits products are usually sold at more than one bottling proof (e.g. whisky is frequently sold at 80 degrees, 86 degrees, and 100 degrees proof) with the difference in proof being the only distinction between products which are otherwise identical. Therefore, ATF must carefully consider

labeling to ensure there exists a clear cut difference in the minds of consumers between products at minimum bottling proof or above minimum bottling proof, and those which are reduced in proof.

Timetable:

Action	Date	FR Cite
ANPRM	08/04/83	48 FR 35460
ANPRM Comment Period Extended	10/28/83	48 FR 49870
ANPRM Comment Period End	11/02/83	48 FR 35460
ANPRM Extended Comment Period Ends	01/31/84	
ANPRM Comment Period Extended	01/30/85	50 FR 4236
ANPRM Extended Comment Period Ends	04/15/85	
ANPRM Comment Period Reopened	01/13/86	51 FR 1393
ANPRM Comment Period Extended	04/10/86	51 FR 12342
ANPRM Extended Comment Period Ends	06/13/86	
Withdrawn	12/15/86	51 FR 44924
NPRM	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA36

2096. REPLACEMENT OF PROOF STATEMENT WITH PERCENTAGE-OF-ALCOHOL- BY-VOLUME STATEMENT ON DISTILLED SPIRITS LABELS

Significance: Agency Priority

Legal Authority: 26 USC 5206; 26 USC 5301; 27 USC 205(e)

CFR Citation: 27 CFR 5.37; 27 CFR 19.643

Legal Deadline: None.

Abstract: Joseph E. Seagram and Sons, Inc. has petitioned ATF to require the statement of alcohol content on labels of distilled spirits to be stated in percentage-alcohol-by-volume instead of proof.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 1393
NPRM Comment Period End	05/27/86	
Final Action	10/10/86	51 FR 36392
Final Action Effective	11/10/86	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, washington DC 20226, 202 566-7626

RIN: 1512-AA62

[FR Doc. 87-6615 Filed 04-24-87; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on October 27, 1986 (51 FR 38766) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DATED: February 18, 1987.

Robert L. Clarke,

Comptroller of the Currency.

TREAS--OCC

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2097	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2098	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2099	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2100	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2101	12 CFR 1 Investment Securities Regulation	1557-AA60
2102	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA61
2103	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2104	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2105	12 CFR 4 Supervision of Bank Operations	1557-AA67
2106	12 CFR 29 Real Estate Lending	1557-AA69

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2107	12 CFR 18 Annual Financial Disclosures to Shareholders	1557-AA44
2108	12 CFR 21.5 Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Act Compliance	1557-AA68

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2109	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2110	12 CFR 32 Lending Limits	1557-AA59
2111	12 CFR 21 Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Act Compliance	1557-AA70

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Comptroller of the Currency (OCC)

2097. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None.

Abstract: Comments in response to a prior rulemaking Final Rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. In view of the favorable disposition of litigation impacting on the fiduciary powers of national banks and collective investment funds (Investment Company Institute v. Clarke, 789 F.2d 175 (2d Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Conover, 790 F.2d 925 (D.C. Cir. 1986), cert. denied, 55

U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, 793 F.2d 220 (9th Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, No.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONTINUED: 86-3725 (W.D.N.C. August 25, 1986), appeal withdrawn by stipulation, Jan. 6, 1987), the project has been reactivated. The effect on small entities will be considered in the development of this rulemaking.

Agency Contact: John Bruno, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA04

2098. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 78l(h); 15 USC 78l(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; PL 95-630; 12 USC 3102; 12 USC 3108(a)

CFR Citation: 12 CFR 19

Legal Deadline: None.

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	01/00/88	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brenda Curry, Senior Attorney, Legislative and Regulatory Analysis Division, (202) 447-1632, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Robert L. Davis, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1818

RIN: 1557-AA43

2099. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8)

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b)

Legal Deadline: None.

Abstract: This rule governs the release by this Office of confidential documents, especially reports of examination, and testimony for use in litigation to which the Office is not a party. The Office is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557-AA57

2100. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None.

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and this Office concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the Office in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The Office considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the Office determined it was appropriate to propose the additional requirements as amendments to part 11 because the Office believes the proposed requirements will help to clarify the types of disclosures which the Office, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The effect on small entities will be considered in the development of this rulemaking

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557-AA58

2101. INVESTMENT SECURITIES REGULATION

Legal Authority: 12 USC 1 et seq; 12 USC 24(7)

CFR Citation: 12 CFR 1

Legal Deadline: None.

Abstract: The Office proposes to amend this regulation to provide adequate safeguards for the purchase of mortgage-backed securities by national banks for their own accounts. The proposal will require that issues of such securities, in order to be eligible for purchase by national banks, must satisfy the Office's standards of investment quality and marketability. The proposal is considered a desirable alternative to leaving national banks without guidance in this area. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	
Final Action	10/00/87	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Owen Carney, Director, Investment Securities Division, 202 447-1901, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Larry A. Mallinger, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA60

2102. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Significance: Regulatory Program

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None.

Abstract: The proposal will make explicit adjustments for differences in the riskiness of assets and the existence of off-balance sheet activities when assessing bank capital adequacy. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/86	51 FR 10602
ANPRM Comment Period End	06/25/86	51 FR 10602
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Stephen Cross, Financial Economist, Department of the Treasury, Comptroller of the Currency, Economic and Policy Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1924**

RIN: 1557-AA61

2103. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1 et seq; 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None.

Abstract: This regulation contains the Office's disclosure requirements for securities offerings by national banks. The Office is considering revisions which would clarify the coverage of the rule, specify the Office's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR Part 11, and where practicable, incorporate by reference provisions of 12 CFR Part 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA65

2104. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None.

Abstract: The Office proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. In addition, these amendments are intended to clarify and simplify the application of local laws to the exercise of fiduciary powers by authorized national banks. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Barrett Aldemeyer, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA66

2105. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 1 et seq; 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None.

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: James F. E. Gillespie, Jr., Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L' Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA67

2106. ● REAL ESTATE LENDING

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 371; 12 USC 1701j-3

CFR Citation: 12 CFR 29; 12 CFR 30; 12 CFR 34

Legal Deadline: None.

Abstract: The proposed rule will simplify and revise 12 CFR 29 on adjustable-rate mortgages to conform with the coverage of Regulation Z, 12 CFR 226. Obsolete portions of 12 CFR 30 on due-on-sale clauses will be rescinded. The revised adjustable-rate

mortgages regulations and remaining regulations on due-on-sale clauses will then be transferred to 12 CFR 34 so that all substantive regulations on real estate lending will be found in the same place. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Christopher C. Manthey, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557-AA69

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Final Rule Stage

2107. ANNUAL FINANCIAL DISCLOSURES TO SHAREHOLDERS

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818

CFR Citation: 12 CFR 18

Legal Deadline: None.

Abstract: The proposed regulation revises certain disclosure requirements of this Office. It would require all national banks to prepare an annual disclosure statement. This statement would include two consecutive year's comparative financial statements. The information to be disclosed is currently publicly available from the Call Report. The bank would have the option of including a narrative discussion of matters they deem important. The bank would notify shareholders along with the annual meeting notice and depositors and potential depositors via a lobby poster in the main office and each branch. Banks currently subject to 12 CFR 11 may use their F-2 form. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/84	49 FR 28566
ANPRM Comment Period End	10/11/84	49 FR 28566
NPRM	10/30/85	50 FR 45372
NPRM Comment Period End	02/28/86	51 FR 04504
Final Action	00/00/00	

Small Entity: No

Agency Contact: Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1165

RIN: 1557-AA44

2108. ● MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 31 USC 5311 et seq

CFR Citation: 12 CFR 21.5

Legal Deadline: None.

Abstract: These amendments to 12 CFR 21.5 will reduce a reporting burden by requiring a biennial instead of an annual compliance report and will eliminate the requirement to keep records of consultation. This action will reduce a bank's cost of complying with government regulation. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Thomas C. Lehmkuhl, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Activities Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1164

RIN: 1557-AA68

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2109. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5; 12 CFR 5.1; 12 CFR 5.3; 12 CFR 5.4; 12 CFR 5.5; 12 CFR 5.9; 12 CFR 5.10; 12 CFR 5.11; 12 CFR 5.12; 12 CFR 5.20; 12 CFR 5.21; 12 CFR 5.22; 12 CFR 5.30; 12 CFR 5.31; 12 CFR 5.33

Legal Deadline: None.

Abstract: The Office is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. On December 11, 1986, at 51 FR 44593 the Office made technical revisions to reflect current position and organizational titles and other non-substantive, technical changes including a revision to allow for consistent computation of time for calculating comment periods. The Office anticipates revision of its corporate delegations and merger policies. These proposals are expected to benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render an informed decision on the proposed activity. The Office also proposes to make several miscellaneous amendments to this regulation to cause the regulation to conform to recent adjustments to Office procedures for processing corporate filings. The effect

on small entities is considered in the development of each rulemaking.

Timetable:

Action	Date	FR Cite
Final Action Position titles, etc.	12/11/86	51 FR 44593
Final Action Effective	12/11/86	51 FR 44593
Corporate Delegations	02/27/87	52 FR 5941
Corporate Delegations Effective	02/27/87	52 FR 5941
Mergers	05/00/87	
Processing Corporate Filings	07/00/87	

Small Entity: No

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA00

2110. LENDING LIMITS

Legal Authority: 12 USC 1 et seq; 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None.

Abstract: This regulation implements 12 USC 84 which prescribes the limitations upon the loans that national banks may make to individual borrowers. On April 23, 1986 at 51 FR 15303 the Office adopted a temporary rule which adds Section 32.8 to Part 32 and which provides lending relief to national banks suffering reductions in capital as a result of problems in the agricultural and oil sectors of the economy. This rulemaking requested comment from the public prior to adopting a final rule. Public comment has been received and the temporary rule, with minor modifications, became a final rule. The regulation will not have a significant economic impact on a substantial number of small entities. The effect of the regulation is beneficial rather than adverse, and small entities are generally expected to benefit more than larger institutions.

Timetable:

Action	Date	FR Cite
Temporary Rule Effective	03/28/86	51 FR 15303
Temporary Rule with Request for Comment	04/23/86	51 FR 15303
Comments on Temporary Rule Due	05/23/86	51 FR 15303
Final Action	10/30/86	51 FR 39641
Final Action Effective	10/30/86	51 FR 39641

Small Entity: Undetermined

Agency Contact: Rosemarie Oda, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557-AA59

2111. ● MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884; 31 USC 5311 et seq

CFR Citation: 12 CFR 21

Legal Deadline: Statutory, January 27, 1987.

Abstract: This regulation was issued as mandated by section 1359 of the Anti-Drug Abuse Act of 1986 to require national banks to establish and maintain a program designed to assure and monitor compliance with the requirements of the Bank Secrecy Act and the implementing regulations promulgated thereunder by the Department of the Treasury at 12 CFR 103. The regulation establishes only those requirements that the Office considers to be the minimum necessary for any compliance procedure. The agency is considering whether to establish more detailed compliance procedures in the near future. The effect on small entities will be considered in the development of any rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	01/27/87	52 FR 2859
Final Action Effective	01/27/87	52 FR 2859

Small Entity: Not Applicable

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas C. Lehmkuhl, National Bank Examiner, Commercial Activities Division, 202 447-1164, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

Agency Contact: Yvonne McIntire, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative & Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1177**

RIN: 1557-AA70

[FR Doc. 87-6613 Filed 04-24-87; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations Control Branch, Office of Regulations and Rulings, Headquarters,

TREAS—CUSTOMS

U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, or an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown.

The following is the thirteenth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

DATED: January 20, 1987.

Harvey B. Fox,

Acting Director, Office of Regulations and Rulings.

United States Customs Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2112	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2113	19 CFR 133 Copyright	1515-AA07
2114	19 CFR 6 Air Commerce Regulations	1515-AA47
2115	19 CFR 141 Entry Documentation Filing	1515-AA49
2116	19 CFR 4 Customs User Fees	1515-AA50
2117	19 CFR 12 Semiconductor Chip Products	1515-AA51
2118	19 CFR 24 Formal Entry User Fee	1515-AA53

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2119	19 CFR 24.3a, (New) Accounting; Interest on Delinquent Accounts	1515-AA18
2120	19 CFR 4 Harbor Maintenance User Fee	1515-AA54

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

United States Customs Service (CUSTOMS)

2112. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None.

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as

TREAS—CUSTOMS **Prerule Stage**

store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice Of Status Pending Congressional Action	07/07/86 00/00/00	51 FR 24535

Small Entity: No

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA22

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS) **Final Rule Stage**

2113. COPYRIGHT

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Legal Deadline: None.

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work Plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31245
NPRM Comment Period End	10/05/83	
Revised T.D. In Customs Review	01/05/87	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA07

2114. AIR COMMERCE REGULATIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 19 USC 1644; 49 USC 1509

CFR Citation: 19 CFR 6

Legal Deadline: None.

Abstract: Revises rules relating to the entry and clearance of aircraft and the transportation of persons and cargo by aircraft. Sets forth the general Customs requirements applicable to all air commerce.

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	50 FR 30455
NPRM Comment Period End	10/24/85	
TD Under Development	01/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: John A. Mathis, Attorney, Department of the Treasury, United States Customs Service, Room 2322, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5706

RIN: 1515-AA47

2115. ENTRY DOCUMENTATION FILING

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141

Legal Deadline: None.

Abstract: Amends Customs Regulations to provide optional procedure under which importers could file entry documentation at one port to be analyzed by Customs to determine if examination of cargo is necessary. If not, the cargo could be released when it arrives, even at another port.

Timetable:

Action	Date	FR Cite
NPRM	07/22/86	51 FR 26266
NPRM Comment Period End	09/22/86	
T.D. under development	12/04/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Steven Knox, Operations Officer, Department of the Treasury, United States Customs Service, Room 4135, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA49

2116. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the U.S. as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
TD under development	01/13/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-9425

RIN: 1515-AA50

2117. SEMICONDUCTOR CHIP PRODUCTS

Legal Authority: 17 USC 910; 19 USC 66; 19 USC 1202; 19 USC 1337; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 12

Legal Deadline: None.

TREAS—CUSTOMS

Final Rule Stage

Abstract: Implements Semiconductor Chip Protection Act by amending Customs Regulations to require persons seeking exclusion of infringing semiconductor chip products to first obtain a court order enjoining, or an order of the U.S. International Trade Commission excluding the importation of the products. Customs will then enforce the court order or exclusion orders.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	51 FR 27057
NPRM Comment Period End	09/29/86	
TD under development	12/04/86	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2417, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515-AA51

2118. ● FORMAL ENTRY USER FEE

Significance: Agency Priority

Legal Authority: PL 99-514

CFR Citation: 19 CFR 24

Legal Deadline: Statutory, December 1, 1986.

Abstract: Amends Customs Regulations to implement a provision of the Omnibus Budget Reconciliation Act of 1986 which authorizes Customs to assess a merchandise processing user fee on formal entries of imported merchandise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/01/86	51 FR 43188
NPRM Comment Period End	01/30/87	
Comments being analyzed	02/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Thomas Banner, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Ave., NW, Room 4108, Washington, DC 20229, 202 535-4136

RIN: 1515-AA53

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2119. ACCOUNTING; INTEREST ON DELINQUENT ACCOUNTS

Legal Authority: 19 USC 197; 19 USC 198; 19 USC 1484; 19 USC 1500; 19 USC 1505; 19 USC 1623; 31 USC 483a

CFR Citation: 19 CFR 24.3a, (New); 19 CFR 113.4, (New)

Legal Deadline: None.

Abstract: Establish interest charges for the last payment of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services, and miscellaneous bills issued by Customs to organizations outside the Government. Provide incentive for prompt payment or reimbursement of interest costs resulting from Government borrowing. Work Plan 80-2 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/10/83	48 FR 10077
NPRM Comment Period End	05/09/83	
TD Under Treasury Review	05/29/86	
Final Action TD 86-178	10/01/86	51 FR 34954
Final Action Effective	10/31/86	

Small Entity: No

Agency Contact: Robert B. Hamilton, Accountant, Department of the Treasury, United States Customs Service, National Finance Center, 6026 Lakeside Blvd., Indianapolis, Indiana 46278, 317 298-1308

RIN: 1515-AA18

2120. ● HARBOR MAINTENANCE USER FEE

Significance: Agency Priority

Legal Authority: PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24

Legal Deadline: Statutory, April 1, 1987.

Abstract: Amends Customs Regulations to implement a provision of the Water Resources Development Act of 1986 which authorizes Customs to assess a fee on waterborne commercial cargo.

Timetable:

Action	Date	FR Cite
Interim Regulations TD 87-44	03/30/87	52 FR 10198

Small Entity: Undetermined

Agency Contact: Thomas Banner, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4108, Washington, DC 20229, 202 535-4136

RIN: 1515-AA54

[FR Doc. 87-6614 Filed 04-24-87; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations determined as of January 31, 1987, that the Internal Revenue Service will be developing from April 1, 1987, through March 31, 1988. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Cynthia E. Grigsby, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:LR (202-343-0232), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register.** The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in October of 1987.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 31, 1987, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Legislation and Regulations Division, the Employee Plans and Exempt Organizations Division and the Office of Associate Chief Counsel (International) of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; whether the regulation is currently under review; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2121	05 USC 0552 Statement of Procedural Rules--Miscellaneous Amendments	1545-AJ53
2122	05 USC 0552 Miscellaneous amendments	1545-AJ95
2123	26 USC 0061 Taxation, valuation, and reporting of "frequent flyer" or similar bonus payments	1545-AK02
2124	26 USC 0145 State volume cap for tax-exempt bonds	1545-AJ37
2125	26 USC 0145 Qualified 501 (c) (3) bonds	1545-AJ39
2126	26 USC 0149 Tax-exempt entity leasing	1545-AJ36
2127	26 USC 0163 Coordination of interest deduction limitations under [[469, 163 (d), 163 (h), and 263A (f)	1545-AK09
2128	26 USC 0168 Modification of ACRS	1545-AJ38
2129	26 USC 0263 A (f) CAPITALIZATION OF CERTAIN INTEREST EXPENSES-- TEMPORARY REGULATIONS	1545-AK03
2130	26 USC 0460 Accounting for long-term contracts	1545-AJ28
2131	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2132	26 USC 0461 (i) Temporary Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH31
2133	26 USC 0585 Bad debt reserves of financial institutions	1545-AJ31
2134	26 USC 0846 Temporary Income Tax Regulations--Discounting of unpaid losses of property and casualty insurance companies	1545-AI96
2135	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58
2136	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2137	26 USC 0865 Source rules for personal property sales	1545-AJ83
2138	26 USC 0871(i) Exemptions from withholding of NRA's and Foreign Corporations	1545-AJ59
2139	26 USC 0876 Exclusion of possession source income from gross income of certain individuals and treatment of corporations organized in Guam, Samua or CNMI	1545-AJ80
2140	26 USC 0883 Income Tax - Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2141	26 USC 0887 Four percent tax on gross transportation income and ECI	1545-AJ60
2142	26 USC 0904 Income Tax Regulations Under Section 121 of the Tax Reform Act of 1984 Relating to Resourcing Certain Amounts Received From A U.S. Owned Foreign Corporation	1545-AI33
2143	26 USC 0904 Separate Application of section 904 with res pect to certain categories of income	1545-AJ69
2144	26 USC 0925 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
2145	26 USC 0932 Coordination of U.S. and Virgin Islands taxes	1545-AJ55
2146	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2147	26 USC 0953(c) Special Rule for Foreign Captive Insurance Companies	1545-AJ70

TREAS—IRS

Internal Revenue Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2148	26 USC 0954 Subpart F FPHC Definitions	1545-AJ61
2149	26 USC 1059A Customs Limitation on taxpayer's basis in property imported from related persons	1545-AJ92
2150	26 USC 1263A (f) Capitalization of certain interest expenses-- Notice of Proposed Rulemaking	1545-AK01
2151	26 USC 15003(d) Dual Resident Companies Limitation on Consolidated Losses	1545-AJ54
2152	26 USC 3405 Information Regarding Resident Status: Withholding on Certain Deferred Payments Outside the United States	1545-AJ93
2153	26 USC 4981 Excise taxes relating to real estate investment trusts and regulated investment companies under the Tax Reform Act of 1986	1545-AJ02
2154	26 USC 6011 Excise Tax--Part 54 -- Procedure and Administration--Part 301--Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI84
2155	26 USC 6038A Information with respect to certain foreign-owned corporations	1545-AJ56
2156	26 USC 6050M Treatment of net capital losses of regulated investment companies and real estate investment trusts-relationships between chapter 44 excise taxes and taxable income	1545-AJ04
2157	26 USC 6050M Reporting requirements pertaining to returns relating to persons receiving contracts from Federal executive agencies	1545-AJ05
2158	26 USC 6402 Procedure and Administration--Reduction of Tax Overpayments by amount of past-due legally enforceable debt owed to Federal Agency	1545-AK13

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2159	26 USC 0001 Income Tax--Deduction for Bus Operating Authorities and Freight	1545-AJ18
2160	26 USC 0001 (i) Income Tax--Unearned of Minor Children	1545-AJ17
2161	26 USC 0032 Income Tax--Notice to employees of earned income credit	1545-AI77
2162	26 USC 0032 Income Tax--Notice to Employees or Earned Income Credit	1545-AJ44
2163	26 USC 0032 Income Tax--Notice to Employees of Earned Income Credit	1545-AK00
2164	26 USC 0042 Low-income housing credit	1545-AJ65
2165	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
2166	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2167	26 USC 0055 Alternative minimum tax for individuals	1545-AJ86
2168	26 USC 0056 Corporate alternative minimum tax book income adjustment	1545-AJ14
2169	26 USC 0057 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2170	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2171	26 USC 0072 Loans Treated as Distributions	1545-AE41
2172	26 USC 0072 Income Tax--Early Withdrawals from Deferred Annuities	1545-AF08
2173	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2174	26 USC 0101 Income Tax--Flexible Premium Contracts	1545-AF28
2175	26 USC 0101(d) Income tax regulations--mortality tables to be used to determine amount held by insurer with respect to a beneficiary	1545-AK14
2176	26 USC 0103 To Provide Regulations Under Section 103(b)(14)-- Relating to Limitation on Maturity of Industrial Development Bonds	1545-AE69
2177	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2178	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2179	26 USC 0103 (o) Private Loan Bonds	1545-AH97
2180	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2181	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2182	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2183	26 USC 0117 Exclusion of qualified scholarships and fellowships from gross income	1545-AJ87
2184	26 USC 0117 (d) Qualified Tuition Reductions (Section 532 of the Tax Reform Act of 1984)	1545-AI13
2185	26 USC 0118 Income Tax--Contributions in Aid of Construction for Certain Utilities	1545-AA71
2186	26 USC 0119 (d) Income Tax--Tax Treatment of Faculty Housing	1545-AJ21
2187	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2188	26 USC 0132 Income Tax--Prizes and Awards	1545-AJ19
2189	26 USC 0141 Income tax--Definition of "private activity bond"	1545-AJ34
2190	26 USC 0142 Tax-exempt bonds for residential rental projects	1545-AJ66

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2191	26 USC 0144 Income tax--student loan bonds	1545-AJ42
2192	26 USC 0148 Arbitrage restrictions on tax-exempt bonds; Rebate requirement	1545-AJ67
2193	26 USC 0149 Information reporting for tax-exempt bonds	1545-AJ63
2194	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2195	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2196	26 USC 0163 Income Tax Regulations--Limitations on deductions for nonbusiness interest	1545-AK17
2197	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2198	26 USC 0168 Accelerated Cost Recovery System--Replacement- Retirement-Betterment (RRB) Property	1545-AJ22
2199	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2200	26 USC 0170 Final Regulations relating to the charitable contributions deduction in the context of bargain sales	1545-AJ85
2201	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2202	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2203	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2204	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2205	26 USC 0263A Capitalization and inclusion in inventory costs of certain expenses	1545-AK05
2206	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2207	26 USC 0280 Income Tax--Amortization of Production Cost of Motion Pictures, Books, Records, and Other Similar Property	1545-AB08
2208	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2209	26 USC 0302 Waiver of Family Attribution by Entities	1545-AF13
2210	26 USC 0336 Income Tax--Part 1-NPRM-Reorganization of Gain or Loss on Liquidating Sales and Distributions of Property (TRA 1986, [[631-633)	1545-AJ01
2211	26 USC 0367 Transfer of Intangibles subject to Section 367 or 482 of the Code	1545-AJ91
2212	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2213	26 USC 0368 Income Tax--Corporate Reorganization Amendments	1545-AB29
2214	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2215	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AJ00
2216	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2217	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2218	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2219	26 USC 0401 (L) Income Tax -- Part 1-- Application of Nondiscrimination rules to integrated plans	1545-AI86
2220	26 USC 0401 (m) Nondiscrimination requirements for employer matching contributions and employee contributions	1545-AI80
2221	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 402(b) Annuities	1545-AI90
2222	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2223	26 USC 0409 Inc. Tax -- Part 1; Estate Tax -- Part 20, Employee Stock Ownership Plan rules Affected by TRA 1986	1545-AI87
2224	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2225	26 USC 0410 Retirement Equity Act Changes to Participation, Vesting, etc. Rules	1545-AH03
2226	26 USC 0410 Income Tax - Part 1 - Minimum Vesting Standards	1545-AI88
2227	26 USC 0411 Income Tax-Part I - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI46
2228	26 USC 0411 Income Tax-Part 1 - Reduction of Accrued Benefits To Qualify for a Standard Termination of a Single Employer Defined Benefit Pension Plan	1545-AI48
2229	26 USC 0411 Inc. Tax -- Part 1 -- Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2230	26 USC 0411 Rules Clarifying the Income Tax Regulations, Part 1, with Respect to Service Computation Under Pension, etc. Plans	1545-AE39
2231	26 USC 0412 Income Tax-Part 1 - Variance From Minimum Funding Standard	1545-AI55
2232	26 USC 0414 Definition of "Highly Compensated Employee"	1545-AI91
2233	26 USC 0414 Income Tax--Definitions and Special Rules; Service for Predecessor	1545-AD87
2234	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2235	26 USC 0417 Joint and Survivor Annuities	1545-AG72
2236	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2237	26 USC 0442 Inc. Tax--Part 1--Amendment of section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2238	26 USC 0448 Limitation of the use of the cash method of accounting	1545-AJ52
2239	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2240	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2241	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2242	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2243	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2244	26 USC 0457 Income Tax -- Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2245	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2246	26 USC 0461 (i) Income Tax Regulations--Taxable Year of Deduction for Amounts Paid by Cash Method Tax Shelters	1545-AH35
2247	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2248	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2249	26 USC 0465 Extension of At Risk Limitations to Real Property	1545-AK08
2250	26 USC 0467 Income Tax Regulations - Deferred Payments for Use of Property or Services	1545-AG80
2251	26 USC 0469 Essential issues in connection with limitations on losses and credits from passive activities	1545-AK18
2252	26 USC 0472 Inventory Computed by Use of Consumer or Producer Price Indexes	1545-AF65
2253	26 USC 0505 Nondiscrimination Requirements under Sections 501 (c) (9) and (20)	1545-AG23
2254	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2255	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2256	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2257	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2258	26 USC 0643 Clarification of Section 1.643 (a)-3 relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2259	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2260	26 USC 0679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
2261	26 USC 0704 To Provide Special Rules Concerning Related Party Loans in the Case of Partnership Allocations Attributable to Nonrecourse Debt	1545-AI66
2262	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2263	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2264	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47
2265	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2266	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2267	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2268	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2269	26 USC 0807 (d) Mortality and Morbidity Tables to be used for Insurance Products for which there are not applicable commissioner's tables	1545-AK04
2270	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2271	26 USC 0846 Income Tax Regulations--Discounting of unpaid losses of property and casualty insurance companies	1545-AJ51
2272	26 USC 0863 Proposed Income Tax Regulations under the Tax Reform Act of 1986 -- Source of income rules for income derived from space and ocean activities including telecommunications	1545-AJ84
2273	26 USC 0864 (d) Regulations Relating to the Application of Sections 864 and 956 to Related Party International Factoring Transactions	1545-AH85
2274	26 USC 0871 Repeal of 30 Percent Withholding by the Tax Reform Act of 1984	1545-AG66
2275	26 USC 0871 Employment Taxes: Application of the Repeal of 30% Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH15
2276	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2277	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2278	26 USC 0892(c) Income Tax--Income of Foreign Governments and of International Organizations	1545-AJ79
2279	26 USC 0897 Income Tax--Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2280	26 USC 0897 Notice of Proposed Rulemaking--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AF17
2281	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2282	26 USC 0904 Separate application of section 904 with respect to certain categories of income	1545-AJ72
2283	26 USC 0904(d) Proposed Regulations Relating to Certain Amounts Treated as Interest for Purposes of the Limitation on the Foreign Tax Credit	1545-AH84
2284	26 USC 0905 Income Tax--Procedure & Administration--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC06
2285	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2286	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2287	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2288	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to INTEREST CHARGE DISCs	1545-AG71
2289	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2290	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2291	26 USC 1060 Income Tax--Special Allocation Rules for certain asset acquisitions	1545-AJ06
2292	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2293	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2294	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2295	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2296	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2297	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2298	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2299	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2300	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2301	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2302	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2303	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2304	26 USC 1372 Income Tax--Treatment of S corporation as a Partnership for Certain Purposes of the Internal Revenue Code of 1954	1545-AE28
2305	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2306	26 USC 1402 (e) Applications for exemption from self-employment taxes for ministers, etc	1545-AJ94
2307	26 USC 1502 Income Tax--Deletion of the requirement of section 1.1502-47 (d) (12) (v) (C) that, in applying tacking rule, profitable and loss life activities not be separated	1545-AI98
2308	26 USC 1502 Income Tax--Earnings and Profits for Purposes of Investment; Adjustments under 1.1502-32	1545-AC47
2309	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2310	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2311	26 USC 1504 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2312	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2313	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2314	26 USC 263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2315	26 USC 3121 Empl. Tax--Social Security Tax on Employers of Individuals who Receive Income from Tips	1545-AC76
2316	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2317	26 USC 3121 (w) Elections by Churches and Qualified Church-Controlled Organizations to Exclude Service Performed in Their Employ from Employment	1545-AH63
2318	26 USC 3121(v) Notice of proposed rulemaking relating to the application of Medicare tax to newly hired state and local government employees	1545-AI76
2319	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2320	26 USC 3402 Submission of certain withholding exemption certificates and entitlement to additional withholding exemption	1545-AJ32
2321	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2322	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2323	26 USC 3406 Regulations on Backup Withholding in Case of a Notified Payee Underreporting	1545-AH83
2324	26 USC 4041 Election to have certain diesel fuel taxes imposed on sales to retailers	1545-AJ13
2325	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2326	26 USC 4052 Excise Tax - Definition of First Retail Sale	1545-AI51
2327	26 USC 4081 Excise Tax--Collection of gasoline	1545-AJ09
2328	26 USC 453C Certain indebtedness treated as payment on installment obligations	1545-AJ27
2329	26 USC 4611 Income tax, excise tax, and environmental tax--Imposition of taxes on petroleum, certain chemicals, and corporations and additional excise taxes on certain fuels	1545-AJ23
2330	26 USC 4911 Income Tax--Lobbying by Public Charities	1545-AE02
2331	26 USC 4940 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2332	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
2333	26 USC 4980 Excise Tax -- Part 54, Reversion of qualified plan assets to employer	1545-AI82
2334	26 USC 4981 Excise Tax -- Excess distributions from qualified retirement plans	1545-AI81

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2335	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2336	26 USC 6011 Excise Tax -- Part 54 -- Procedure and Administration-- Part 301 -- Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2337	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2338	26 USC 6033 Amendment of Section 1.6033-2(g)(5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2339	26 USC 6039D Returns, etc. on Certain Fringe Benefit Plans	1545-AI22
2340	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2341	26 USC 6046 Income Tax--Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AE47
2342	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2343	26 USC 6205 Interest on Hospital Insurance Taxes on Wages of State and Local Government Employees	1545-AI50
2344	26 USC 6224 Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08
2345	26 USC 6241 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2346	26 USC 6241 Small S Corporation Exceptions and Definition of Subchapter S Item	1545-AJ99
2347	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2348	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2349	26 USC 6402 Procedure and Administrative--Reduction of Tax Overpayments by amount of past due legally enforceable debt owed to Federal Agency	1545-AK12
2350	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2351	26 USC 6621 Essential issues in connection with differential interest rates	1545-AK06
2352	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2353	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2354	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2355	26 USC 6723 Penalty for failure to include correct information on information returns and payee statements	1545-AJ29
2356	26 USC 6851 Amendment of the Income Tax Regulations Under Section 6815(d) Dealing with Certificates of Compliance with the Income Tax Laws Issued to Aliens Departing the United States	1545-AF80
2357	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2358	26 USC 7701 Income Tax--Investment Credit in Case of Property Used by Tax Exempt Organizations & Governmental Units; Practice &Procedure --Definition of Service Contracts & Other Arrangements	1545-AA23
2359	26 USC 7701 (b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2360	26 USC 860A Income tax--essential issues relating to real estate mortgage investment conduits	1545-AJ35
2361	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2362	26 USC 0023 Income Tax--Joint Ownership of Energy Items & Renewable Energy Source Expenditures for Purposes of the Residential Energy Credit to Conform to Secs 201(a) & 202 of the ETC	1545-AA03
2363	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2364	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2365	26 USC 0028 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2366	26 USC 0042 Low-income housing credit	1545-AJ64
2367	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2368	26 USC 0046 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
2369	26 USC 0047 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2370	26 USC 0048 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2371	26 USC 0048 Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2372	26 USC 0048 Income Tax--Amendment of [1.48-9 (c)(10),(d),&(e) to partially remove the limitation on the business energy credit for equipment that uses energy from both a qualified and a nonqualified source	1545-AI97
2373	26 USC 0048 Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
2374	26 USC 0061 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2375	26 USC 0061 Income Tax--Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2376	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ48
2377	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2378	26 USC 0101(d) Income tax regulations--mortality tables to be used to determine amount held by insurer with respect to a beneficiary	1545-AK15
2379	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2380	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2381	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2382	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2383	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2384	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2385	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AK10
2386	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2387	26 USC 0103 (c) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
2388	26 USC 0103 (n) To Provide Regulations Relating to the State Volume Cap on Private Activity Bonds	1545-AH62
2389	26 USC 0120 Income Tax--Prepaid Legal Expenses	1545-AD62
2390	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2391	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2392	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2393	26 USC 0148 General Arbitrage Restrictions of Tax-exempt bonds	1545-AJ81
2394	26 USC 0149 Information reporting for tax-exempt bonds	1545-AJ62
2395	26 USC 0162 (k) Continuation Coverage Requirement of Group Health Plans	1545-AI94
2396	26 USC 0163 Income Tax Regulations--Limitations on deductions for nonbusiness interest	1545-AK16
2397	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2398	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2399	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2400	26 USC 0170 Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
2401	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2402	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2403	26 USC 0267 Regulations Under Section 267 of the Code to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2404	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2405	26 USC 0274 Income Tax--Deductibility of Gifts by Employers	1545-AB06
2406	26 USC 0274 (d) Income tax--substantiation requirements with respect to listed property and substantiation requirements relating to the taxation of fringe benefits	1545-AJ40
2407	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2408	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2409	26 USC 0338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38
2410	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2411	26 USC 0338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13
2412	26 USC 0338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2413	26 USC 0338 Statements of Election and due Dates	1545-AI53
2414	26 USC 0338 Income Tax--Application of Installment method to deemed sale of assets	1545-AJ07
2415	26 USC 0338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2416	26 USC 0355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2417	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2418	26 USC 0367 Amendment of the Income Tax Regulations Under Section 367 of the Code (Transfers to Foreign Corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AG68
2419	26 USC 0367 Income Tax--Treatment of Exchanges Described in Section 367 (b)	1545-AB26
2420	26 USC 0367 (b) Foreign Liquidations and Reorganizations (Temporary Regulations)	1545-AJ76
2421	26 USC 0367(b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2422	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2423	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2424	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AJ08
2425	26 USC 0401 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2426	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2427	26 USC 0401 Certain Cash or Deferred Arrangements	1545-AD72
2428	26 USC 0402 Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2429	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2430	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2431	26 USC 0411 Restrictions on Cash-Outs Under the Retirement Equity Act of 1984	1545-AH01
2432	26 USC 0411 Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
2433	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2434	26 USC 0414 Income Tax--Definitions & Special Rules	1545-AB35
2435	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2436	26 USC 0422A Income Tax--Creation & Treatment of Incentive Stock Options	1545-AB36
2437	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2438	26 USC 0453 Income Tax--General Rules Relating to Installment Sales	1545-AB42
2439	26 USC 0453 Income Tax--Installment Obligations Received from a Liquidating Corporation	1545-AB43
2440	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2441	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2442	26 USC 0453a Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2443	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2444	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2445	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2446	26 USC 0465 Aggregation of Certain Activities	1545-AI41
2447	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2448	26 USC 0468A Income Tax Regulations -- Special Rules Relating to Nuclear Decommissioning Costs	1545-AI01
2449	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting; Value when Electing LIFO Method of Accounting	1545-AB55
2450	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2451	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2452	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2453	26 USC 0613A Income Tax--To Conform to Sec 3 of the Act of 12/28/80	1545-AB74
2454	26 USC 0706 (b) Taxable years of Certain Partnerships (temporary)	1545-AJ46
2455	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2456	26 USC 0818 Treatment of Graded Premium Policies Under the Approximate Revaluation Method of Recomputing Reserves	1545-AF03
2457	26 USC 0820 Income Tax--To Clarify the Treatment of Certain Amounts Refunded in Reinsurance Transactions	1545-AB86
2458	26 USC 0871 Income Tax--Original Issue Discount	1545-AB93
2459	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and Second Level Withholding Taxes (Temporary Regulations)	1545-AJ77
2460	26 USC 0904 Income Tax--Recapture of Overall Foreign Losses	1545-AC05
2461	26 USC 0905 Income Tax--Temporary Regulations--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2462	26 USC 0907 Statute of Limitations - Nationalized Companies	1545-AJ75
2463	26 USC 0921 FSC General Rules, Requirements, Definitions, and Special Rules	1545-AG67
2464	26 USC 0925 Temporary Regulations Relating to FSC Transfer Pricing Rules, Distributions, Dividends Received Deduction and Other Special Rules for FSCs	1545-AI17
2465	26 USC 103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AI36
2466	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2467	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ03
2468	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2469	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2470	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2471	26 USC 1256(e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2472	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2473	26 USC 1378 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
2474	26 USC 1402 (e) Applications for exemption from self-employment taxes for ministers, etc	1545-AJ82
2475	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2476	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2477	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2478	26 USC 1563 Income Tax--To Reflect the U.S. Supreme Court in U.S. v. Vogel Fertilizer Co., Holding that Each Member of Stockgroup must Own Stock in Each Brother-Sister Corp	1545-AC59
2479	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2480	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2481	26 USC 263A Capitalization and inclusion in inventory costs of certain expenses	1545-AI95
2482	26 USC 2653 (b) Estate Tax--Generation skipping transfer tax	1545-AJ11
2483	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ12
2484	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2485	26 USC 3402 Submission of certain withholding exemption certificates and entitlements to additional withholding exemption	1545-AJ30
2486	26 USC 3406 To Provide Temporary Regulations Relating to Backup Withholding Where the Service Notifies Payor to Withhold Due to an Incorrect Taxpayer Identification Number	1545-AF90
2487	26 USC 3406 Temporary Regulations on backup withholding in case of a notified payee underreporting	1545-AJ33
2488	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2489	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2490	26 USC 4052 Excise Tax - Clarification of Section 145, 4052-1 Relating to the Definition of First Retail Sale	1545-AI62
2491	26 USC 4081 Manufacturers and Retailers Excise Taxes--Taxes on Fuels, Tires and Gasoline	1545-AF58
2492	26 USC 4977 Excise Tax--Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2493	26 USC 4991 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
2494	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2495	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2496	26 USC 4994 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2497	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2498	26 USC 6011 Elimination of Form 941 Filing Requirement for Quarters in Which Seasonal Employers Pay no Wages	1545-AI56
2499	26 USC 6011 (e) Returns required on magnetic media	1545-AJ50
2500	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2501	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ97
2502	26 USC 6041 Information Reporting of Allowances, or Reimbursements, or Charges for Travel and Other Expenses of Public Sector Employees and Certain Other Persons	1545-AI42
2503	26 USC 6045 Information Returns of Brokers	1545-AG02
2504	26 USC 6045 Information Returns of Brokers	1545-AG52
2505	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AG93
2506	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2507	26 USC 6053 Employee Tip Reporting and Substantiation Requirements	1545-AH24
2508	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2509	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (NPRM)	1545-AI60
2510	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (Temporary)	1545-AI73
2511	26 USC 6205 Interest on Hospital Insurance Taxes on Wages of State and Local Government Employees	1545-AI45
2512	26 USC 6221 Miscellaneous provisions relating to the tax treatment of partnership items	1545-AJ88
2513	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2514	26 USC 6231 (c) (1) Special Rules for Certain Refund Claims Treated as Special Enforcement Areas Under Rules for Consolidated Partnership Proceedings	1545-AH00
2515	26 USC 6302 Income tax--deposit of estimated income tax by certain private foundations and tax-exempt organizations	1545-AJ43
2516	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2517	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2518	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2519	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2520	26 USC 6723 Penalty for failure to include correct information on information returns and payee statements	1545-AJ26
2521	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2522	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2523	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2524	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2525	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72
2526	26 USC 9999 Income Tax--Maritime Capital Construction Fund	1545-AD46
2527	26 USC 9999 Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2528	26 USC 0026 Limitation on Credits Based on Tax Liability	1545-AH58
2529	26 USC 0038 General Business Credit and Carryforward and Carryback of Unused Business Credit	1545-AH57
2530	26 USC 0042 et al Temporary regulations relating to various elections under the Tax Reform Act of 1986	1545-AJ89
2531	26 USC 0044 Income Tax--Employee Stock Ownership Plan Credit	1545-AD56
2532	26 USC 0046 Income Tax--Investment Credit for Cooperatives	1545-AA09
2533	26 USC 0046 Income Tax--At Risk Limitations on Investment Credit	1545-AA15
2534	26 USC 0046 Income Tax--Changes Made by Secs 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980	1545-AA14
2535	26 USC 0047 Income Tax--Amendment of Recapture Rules	1545-AA18
2536	26 USC 0056 Corporate Minimum Tax	1545-AI07
2537	26 USC 0058 Income Tax--Tax Benefit Rule for Minimum Tax	1545-AA33
2538	26 USC 0066 Income Tax--Treatment of Income of Certain Innocent Spouses in Community Property States	1545-AA37
2539	26 USC 0072 Income Tax--Unisex Annuity Tables	1545-AA38
2540	26 USC 0072 Income Tax--Clarification of the Income Tax Regulations with Respect to the Taxation of Distribution from Qualified Plans Providing Life Insurance Protection	1545-AD60
2541	26 USC 0072 Income Tax--Certain Distributions, Contributions, ETC	1545-AD61
2542	26 USC 0079 Income Tax--Group Term Life Insurance--Evidence of Insurability	1545-AA39
2543	26 USC 0086 Regulations on Income Tax Under the Social Security Amendments Act of 1983 Relating to the Taxation of Social Security Benefits	1545-AG29
2544	26 USC 0103 Income Tax--Industrial Development Bonds for Vehicles Used for Mass Commuting	1545-AA43
2545	26 USC 0103 Income Tax--To Amend the Regulations Under Sections 1.103-13 and 1.103-14 with Respect to the Calculations of "Overissuance" and "Cumulative Cash Flow Deficit"	1545-AA44
2546	26 USC 0103 Income Tax--To Amend the Regulations Relating to the Treatment of Replacement Funds	1545-AA46
2547	26 USC 0103 Income Tax--To Provide for the Tax Consequences of Refunding Industrial Development Bonds to the Issuer, Bond-Holder & Industrial User	1545-AA47
2548	26 USC 0103 Income Tax--To Clarify the "Substantially All" Test	1545-AA50
2549	26 USC 0103 Income Tax--To Clarify the "Public Use" and "Functionally Related" Requirements	1545-AA51
2550	26 USC 0103 Income Tax--To Clarify the Definition of the Term "Issue"	1545-AA54
2551	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AA58
2552	26 USC 0103 Income Tax--To Define the Term "Facility"	1545-AA60
2553	26 USC 0103 Income Tax--To Clarify the Definition of Property That is a Solid Waste Disposal Facility & to Conform to Statutory Exemption for Industrial Development Bonds for qualified steam generating ETC	1545-AA64
2554	26 USC 0103 To Provide Regulations Under Section 103(b)(10) Relating to Local District Heating and Cooling Facilities	1545-AE22
2555	26 USC 0103 Interest Exempt Other than Under the Internal Revenue Code	1545-AF49
2556	26 USC 0103 To Provide Regulations Under Section 103 (b) (6) (0) Relating to Restrictions on Financing Certain Facilities with Exempt Small Issues	1545-AF53
2557	26 USC 0103 Arbitrage: Treatment of Issue Price and Administrative Costs	1545-AF75
2558	26 USC 0103 Temporary Regulations Relating to Federally Guaranteed Bonds	1545-AH20
2559	26 USC 0103 (b) Income Tax Regulations--To Provide Regulations Under Section 103 (b) (16) and (17) Relating to Acquisition of Land and Existing Facilities	1545-AH45
2560	26 USC 0103 (c) To Revise the Arbitrage Regulations Relating to the Temporary Period for Refunding Issues	1545-AH89

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2561	26 USC 0103 (n) To Provide Regulations Under Section 103 (n) Relating to Carryforward Elections and Election to Allocate State Ceiling to Facilities for Local Furnishing of Electricity	1545-AG91
2562	26 USC 0104 Income Tax--Changes in Exclusion for Sick Pay & Certain Military, Etcetera, Disability Pensions; Certain Disability Income	1545-AA66
2563	26 USC 0129 Income Tax--Dependent Care Assistance Programs	1545-AD65
2564	26 USC 0133 Interest on ESOP Securities Acquisition Loans	1545-AG46
2565	26 USC 0162 Income Tax--Empl. Tax--Deductibility of Certain Transportation Expenses	1545-AA76
2566	26 USC 0162 Income Tax--To Add Provisions Relating to State Legislators' Travel Expenses	1545-AA78
2567	26 USC 0162 Denial of Deduction for Employer Contribution to Health Plan unless Health Plan Meets Certain Continuation Coverage Requirements	1545-AI74
2568	26 USC 0163 Income Tax--Limitation on Interest Deduction	1545-AA80
2569	26 USC 0165 Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form	1545-AF63
2570	26 USC 0168 Income Tax--Relating to Terminal Rental Adjustment Clauses in Certain Motor Vehicle Leases	1545-AF32
2571	26 USC 0168 Finance Leases--Definition and Special Rules	1545-AF54
2572	26 USC 0168 To Provide Regulations Under Section 168 Relating to Intangible Property	1545-AF78
2573	26 USC 0169 Income Tax--Amortization of Certain Pollution Control Facilities	1545-AA89
2574	26 USC 0170 Income Tax--Charitable Contributions of Scientific Property Used for Research	1545-AA90
2575	26 USC 0171 To Clarify Treatment of Amortizable Bond Premium with Respect to Bonds Issued in Certain Section 351 Transactions	1545-AI18
2576	26 USC 0172 Income Tax--Net Operating Losses Attributable to Product Liability Losses	1545-AA93
2577	26 USC 0172 Income Tax--Net Operating Losses for Certain Real Estate Investment Trusts	1545-AA94
2578	26 USC 0179 Income Tax--Election to Expense Certain Depreciable Assets	1545-AA95
2579	26 USC 0189 Income Tax--Amortization of Real Property Construction Period Interest & Taxes	1545-AA97
2580	26 USC 0213 Medical Deduction for Lodging Away from Home	1545-AH21
2581	26 USC 0246 (c) Income Tax-Notice of Proposed Rulemaking-Holdings Periods for Dividends Received Deductions	1545-AH40
2582	26 USC 0263 Income Tax--Prepublication Expenditures of Publishers and Authors	1545-AA36
2583	26 USC 0263 Income Tax - Notice of Proposed Rulemaking - Payments in Lieu of Dividends in Connection with Short Sales, Section 263 (h) of the Internal Revenue Code and Section 56 (a) of the TRA 1984	1545-AH37
2584	26 USC 0266 Income Tax--Taxes and Carrying Charges Chargeable to Capital Account and Treated as Capital Items	1545-AB03
2585	26 USC 0277 Income Tax--Taxation of Nonexempt Membership Organizations	1545-AB07
2586	26 USC 0291 Income Tax--Special Rules Relating to Corporate Preference Items	1545-AE78
2587	26 USC 0303 Income Tax--Distribution in Redemption of Stock to Pay Death Taxes	1545-AB13
2588	26 USC 0305 Income Tax--To Clarify Meaning of Term "Reasonable Redemption Premium"	1545-AB15
2589	26 USC 0305 Income Tax--Dividend Reinvestment in Stock of Public Utilities	1545-AB14
2590	26 USC 0312 Income Tax - Amendments to Statutory Provisions Relating to Earnings and Profits	1545-AG30
2591	26 USC 0337 Income Tax--Miscellaneous Corporate Amendments	1545-AB12
2592	26 USC 0337 Income Tax--Simultaneous Liquidation of a Parent and Subsidiary	1545-AB18
2593	26 USC 0338 Income Tax--Regulations Under Section 338 (a)	1545-AE60
2594	26 USC 0341 Amendment of the Income Tax Regulations Under Section 341, Relating to Collapsible Corporations, to Reflect the Tax Reform Act of 1984	1545-AG33
2595	26 USC 0346 Income Tax--Corporate Distributions of Appreciated Property and Partial Liquidations	1545-AF16
2596	26 USC 0401 Various Pension Parity, etc. Provisions Under the Tax Equity and Fiscal Responsibility Act of 1982 and the Economic Recovery Tax Act of 1981	1545-AE84
2597	26 USC 0401 Nondiscriminatory Coordination of Defined Contribution Plans with Old Age, Survivors, and Disability Insurance	1545-AE93
2598	26 USC 0402 Income Tax--Tax-Free Rollovers of Lump Sum Distributions and Plan Termination Payments. Lump Sum Distributions Made with Respect to a Decedent	1545-AD74
2599	26 USC 0403 Retirement Arrangements of Churches	1545-AE25
2600	26 USC 0403 Income Tax--Taxability of Beneficiary Under Annuity Purchase by Sec. 501(c) Organization or Public School	1545-AD75
2601	26 USC 0404 Procedure and Administration Regulations Under the Tax Reform Act of 1984 Relating to Dividends from ESOP's	1545-AG65
2602	26 USC 0404 Income Tax--Deduction Limitations and Funding Rules for Valuing Certain Agreements	1545-AD76
2603	26 USC 0404 Income Tax--Deductibility of Payments of Deferred Compensation to Independent Contractors	1545-AD78
2604	26 USC 0412 Income Tax--Pension Excise Taxes--Miscellaneous Funding Provisions	1545-AD85
2605	26 USC 0414 Income Tax--Church Plans	1545-AD88
2606	26 USC 0415 Limitations on Benefits and Contributions Under Qualified Plans	1545-AE75
2607	26 USC 0418 Income Tax--Reorganization Status	1545-AD91
2608	26 USC 0418 Income Tax--Minimum Contribution Requirement, In General	1545-AD92
2609	26 USC 0418 Income Tax--Overburden Credit Against Minimum Contribution Requirement	1545-AD94
2610	26 USC 0418 Income Tax--Adjustments in Accrued Benefits; Insolvent Plans; Related Vesting Provisions	1545-AD95
2611	26 USC 0446 Income Tax--Clarification of Relationship Between Sections 446(e) and 481	1545-AB38
2612	26 USC 0447 Income Tax--Method of Accounting for Corporations Engaged in Farming	1545-AB39

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2613	26 USC 0461 Income Tax--Treatment of Prepaid Interest	1545-AB49
2614	26 USC 0463 Income Tax--Accrual of Vacation Pay	1545-AB50
2615	26 USC 0463 Income Taxes--Election for Accrued Vacation Pay Under Transitional Rule Provided in Section 91(i) of the Tax Reform Act of 1984	1545-AH16
2616	26 USC 0473 Income Tax--Qualified Liquidations of LIFO Inventories	1545-AB56
2617	26 USC 0474 Use of One Inventory Pool by Small Business Electing LIFO Method of Accounting	1545-AF92
2618	26 USC 0501 Income Tax-Child Care Organizations	1545-AG64
2619	26 USC 0501 Income Tax--Amendment of Regulations to Reflect the Grant of Tax Exempt Status to Certain Hospital Service Organizations	1545-AE01
2620	26 USC 0501 Income Tax--Tax Treatment of Certain Social Clubs & Prohibition of Discrimination by Certain Social Clubs	1545-AD98
2621	26 USC 0505 Notification Requirement for Section 501(c) (9) and (20) Organizations	1545-AG44
2622	26 USC 0512 Income Tax--Social Clubs Unrelated Business Income	1545-AB59
2623	26 USC 0591 To Amend Section 1.591-1(b), Relating to Deductibility of Interest on Short-Term Certificates of Deposit Issued by Saving and Loan Institutions	1545-AI38
2624	26 USC 0612 Applicability of Depletion to Payments Received for the Grant of an Option to Acquire an Economic Interest	1545-AI64
2625	26 USC 0642 Income Tax--Disallowance of Certain Items as Deductions for Estate and Income Tax Purposes	1545-AB75
2626	26 USC 0644 Income Tax--Special Rule for Property Transferred at Less Than Fair Market Value	1545-AB76
2627	26 USC 0667 Income Tax--Procedure & Administration--Accumulation Trusts	1545-AB78
2628	26 USC 0704 Amendment of Section 1.704-1 to Provide Rules on Partner's Distributive Shares of Items Attrib. to Nonrecourse Debt and the Interrelationship of Subsections (b) and (c) of Section 704	1545-AG00
2629	26 USC 0751 Income Tax--Treatment of Unrealized Receivables and Inventory Items Held by Tiered Partnerships	1545-AH67
2630	26 USC 0807(d) Temporary Regulations Relating to the Mortality and Morbidity Tables to be Used for Insurance Products for Which There are No Applicable Commissioner's Tables	1545-AH98
2631	26 USC 0817 Temporary Income Tax Regulations - Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG78
2632	26 USC 0852 Extension of Holding Period for Losses Attributable to Capital Gain Dividends of RIC's and REIT's	1545-AH64
2633	26 USC 0861 Income Tax--Source of Income of Underwriting Income	1545-AB89
2634	26 USC 0861 Source of Interest and Dividends	1545-AF15
2635	26 USC 0861 Amendment of the Income Tax Regulations Under Sec. 1.861-8 to Provide for the Allocation and Apportionment of Partnership Expenses	1545-AF57
2636	26 USC 0861 Source of Interest and Dividends	1545-AI15
2637	26 USC 0871 Temporary Income Tax Regulations under Sections 163 Relating to Registration-Required Obligations and under Sections 871 and 881 Relating to the Partial Repeal of 30 Percent Withholding	1545-AH90
2638	26 USC 0924 Income Tax Regulations Relating to Foreign Management and Foreign Economic Processes Requirements of a Foreign Sales Corporation	1545-AH10
2639	26 USC 1014 Income Tax--Basis of Certain Appreciated Property Transferred to Decedent, ETC	1545-AC18
2640	26 USC 1042 Stock Sales, Etc, to and by ESOP's, Etc	1545-AG21
2641	26 USC 1056 Income Tax--Basis Limitation & Recapture of Depreciation on Player Contracts	1545-AC19
2642	26 USC 1239 Income Tax--Time for Determining Relatedness Under Section 1239--Relating to Transfer of Depreciable Property Between Related Persons	1545-AC29
2643	26 USC 1371 Income Tax--Certain Rules Relating to Shareholders of Subchapter S Corporations	1545-AC38
2644	26 USC 1382 Income Tax--To Clarify Section 1.1382-6 with Regard to Inventory Pools	1545-AB32
2645	26 USC 1388 Income Tax--Distributions Qualifying as Patronage Dividends	1545-AC39
2646	26 USC 1445 Income Tax: Withholding Upon Dispositions of U.S. Real Property Interest by Foreign Persons	1545-AG70
2647	26 USC 1502 26 CFR Part I--Amendment of the Income Tax Regulations Under Section 1502 of the Code to Reflect Section 224 of Tax Equity and Fiscal Responsibility Act of 1982	1545-AF41
2648	26 USC 1502 Amendment of Consolidated Returns Regulations Relating to Life-Life Consolidations	1545-AF67
2649	26 USC 1502 Amendment of Section 1.1502-14 to Modify Treatment of Stock Redemptions and Nondividend Distributions in Excess of Basis	1545-AG35
2650	26 USC 1502 Income Tax--Consolidated Return/Accumulated Earnings Tax-Earnings and Profits when a Member is a Personal Holding Company	1545-AC51
2651	26 USC 1502 Income Tax--To Reflect Amendments of Consolidated Return Regulations to Reflect Merchant Marine Act of 1970 Concerning Merchant Marine & Fisheries Capital ETC	1545-AC52
2652	26 USC 2055 Estate Tax - Permanent Rules for Reforming Governing Instruments Creating Charitable Remainder Trusts and Other Charitable Interest	1545-AI14
2653	26 USC 2055 Estate Tax-Regulations Relating to Reports of Reformations of Charitable Remainder Trusts	1545-AI28
2654	26 USC 2210 Assumption of Estate Tax Liability by ESOP's	1545-AG38
2655	26 USC 2518 Gift Tax--Certain Transfers Treated as Qualified Disclaimers	1545-AC70
2656	26 USC 2621 Estate & Gift Tax--Generation-Skipping Transfers Tax Return Requirement, ETC	1545-AC74
2657	26 USC 3231 Amend the Regulations to Clarify the Trucking Exception to the Definition of "Employee" for Purpose of the RRTA	1545-AG74
2658	26 USC 4061 Excise Tax--Manufacturers Excise Taxes on Motor Vehicles	1545-AC86

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2659	26 USC 4071 Manufacturers & Retailers Excise Tax--Refund for Certain Uses of Tread Rubber & Adjustments pursuant to Warranty; Misc. Excise Taxes--Tax on Policies of Insurance issued by Foreign Insurers	1545-AC88
2660	26 USC 4161 Regulations Relating to the Tax on Sale of Sport Fishing Equipment, Etc	1545-AH95
2661	26 USC 4611 Excise Tax--Environmental Taxes--Imposition of Taxes on Petroleum and Certain Chemicals	1545-AC91
2662	26 USC 4701 Excise Tax--Tax on Issuer of Registration-Required Obligations Not in Registered Form	1545-AF31
2663	26 USC 4976 Tax with Respect to Certain Funded Welfare Benefit Plans	1545-AG12
2664	26 USC 4996 Excise Tax--Definition of Oil Removed from the Premises	1545-AC95
2665	26 USC 6011(e) Returns Required on Magnetic Media	1545-AI67
2666	26 USC 6012 Form of Individual Tax Return	1545-AF24
2667	26 USC 6015 To Provide Regulations Relating to New Exception to Estimated Tax Penalty Where Individual Has No Tax Liability for Preceding Taxable Year	1545-AE71
2668	26 USC 6037 Proposed Regulations Under Section 6037 Relating to Information Required to Be Furnished to Shareholders of S Corporations	1545-AH48
2669	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ24
2670	26 USC 6049 Original Issue Discount Reporting Requirements Under Section 6049	1545-AI20
2671	26 USC 6049 Information Reporting of Original Issue Discount By Certain Brokers	1545-AI75
2672	26 USC 6050 Notice of Proposed Rulemaking Relating to Reporting of Transfers of Security to a Person Other than the Lender Under the Tax Reform Act of 1984	1545-AG51
2673	26 USC 6050I Income Tax--Returns Relating to Cash Payments in Excess of $10,000 Received in a Trade or Business	1545-AG97
2674	26 USC 6050K Returns Relating to Sales or Exchanges of Certain Partnership Interests	1545-AH42
2675	26 USC 6111 Procedure and Administration Regulations Relating to Tax Shelter Registration and the Requirement to Maintain Lists of Investors	1545-AH29
2676	26 USC 6111 Proposed Regulations Relating to Tax Shelter Registration	1545-AI04
2677	26 USC 6112 Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters	1545-AG58
2678	26 USC 6205 Disclosure or Return Information to the Bureau of the Census	1545-AI54
2679	26 USC 6302 Income tax--deposit of estimated income tax by certain private foundations and tax-exempt organizations (temporary regulations)	1545-AJ41
2680	26 USC 6411 Income Tax--Tentative Refund of Tax Under Claim of Right Adjustment	1545-AD30
2681	26 USC 7701 (g) Proposed Regulations Under the Tax Reform Act of 1984, Relating to the Definition of Fair Market Value of Property for Purposes of Determining Gain or Loss	1545-AG94

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2121. ● STATEMENT OF PROCEDURAL RULES--MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601; 26 CFR 602

Legal Deadline: None.

Abstract: The document contains miscellaneous amendments to the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. Some amendments update the SPR to reflect changes in nomenclature. The other amendments are described in the order of the sections of the SPR being amended.

Timetable:

Action	Date	FR Cite
Statement of Procedural Rule	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-257-83.

Drafting author: B. Faye Easley (202) 566-3935.

Reviewing attorney: George H. Bradley (202) 566-3486. Charles Whedbee (202) 566-3458.

Agency Contact: Brenda Faye Easley, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3935

RIN: 1545-AJ53

2122. ● MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: Amends two separate paragraphs in the statement of procedural rules to conform with recent revenue procedures.

Timetable:

Action	Date	FR Cite
Statement of procedural rules	04/15/87	

Small Entity: No

Additional Information: LR-9-87

Drafting attorney: George H. Bradley (202) 566-3486.

Reviewing attorney: Charles Whedbee (202) 566-3458.

Agency Contact: George H. Bradley, Chief, Technical Section, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3486

RIN: 1545-AJ95

2123. ● TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuating the bonuses.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/87	

Small Entity: Undetermined

Additional Information: LR-79-86

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Susan Scherbel (202) 566-6963.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK02

2124. ● STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-85-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ37

2125. ● QUALIFIED 50L (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-84-86.

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ39

2126. ● TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules for tax-exempt entity leasing.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	
Final Action	03/01/88	

Small Entity: Not Applicable

Additional Information: LR-166-86

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ36

2127. ● COORDINATION OF INTEREST DEDUCTION LIMITATIONS UNDER [[469, 163 (D), 163 (H), AND 263A (F)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how to allocate interest expense among expenditures in order to apply the passive loss, investment interest, personal interest, and other limitations on interest expense.

Timetable:

Action	Date	FR Cite
Temporary Regulations	03/00/87	

Small Entity: Not Applicable

Additional Information: LR-125-86

Drafting attorney: Michael J. Grace (202)566-3288.

Reviewing attorney: John H. Parcell (202)566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK09

2128. ● MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules concerning the accelerated cost recovery system

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	

TREAS—IRS **Prerule Stage**

Small Entity: Not Applicable

Additional Information: LR-86-86.

Drafting attorney: Robert Beatson (202) 566-3459.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ38

2129. ● CAPITALIZATION OF CERTAIN INTEREST EXPENSES--TEMPORARY REGULATIONS

Legal Authority: 26 USC 263 A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: LR-120-86.

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Thomas Evans (202) 566-4902.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AK03

2130. ● ACCOUNTING FOR LONG-TERM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
Temporary regulations	06/30/87	

Small Entity: Not Applicable

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AJ28

2131. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Temporary regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-257-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH33

2132. TEMPORARY INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Temporary regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-161-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH31

2133. ● BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/88	

Small Entity: Not Applicable

Additional Information:

LR-81-86.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: Susan Baker (202) 566-3294.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ31

2134. ● TEMPORARY INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Temporary regulation	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-138-86.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3288**

RIN: 1545-AI96

2135. ● INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid be so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-950-86

Drafting Attorney: Peter M. Belanger (202) 566-3289

Reviewing Attorney: Phyllis E. Marcus (202) 566-3289

Treasury Attorney: Mary Bennett (202) 566-2964

Agency Contact: Peted Belanger, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ58

2136. ● TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-947-86

Drafting Attorney: Ann Zukas (202) 566-3289

Reviewing Attorney: John Dean (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Ann Zukas, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ68

2137. ● SOURCE RULES FOR PERSONAL PROPERTY SALES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-946-86

Drafting Attorney: Carol P. Tello (202) 566-3289

Reviewing Attorney: Phyllis E. Marcus (202) 566-3323

Treasury Attorney: Mary Bennett (202) 566-2964

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3226**

RIN: 1545-AJ83

2138. ● EXEMPTIONS FROM WITHHOLDING OF NRA'S AND FOREIGN CORPORATIONS

Significance: Agency Priority

Legal Authority: 26 USC 7505 Internal Revenue Code of 1986; 26 USC 871(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Implement regulations concerning exemptions from withholding of non-resident aliens and foreign corporations under sections 871(i) and 881(d) of the Code. Specifically, the proposed regulation will address the individual or corporation that meets the 80 percent foreign business requirements for active foreign business income.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-951-86

Drafting Attorney: David A. Alvarez (202) 566-3289

Reviewing Attorney: John Dean (202) 566-3289

Treasury Attorney: Mary Bennett (202) 566-5815

Agency Contact: David A. Alvarez, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ59

2139. ● EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMUA OR CNMI

Legal Authority: 26 USC 876 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMIN and American Samoa are granted full authority over their own local income tax systems, with respect to income from sources within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information, and other administrative matters.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: INTL-968-86

Drafting Attorney: Lilo A. Hester (202) 287-4851.

Reviewing Attorney: Michael Patton (202) 287-4851.

Treasury Attorney: Peter Barnes (202) 566-5791.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ80

2140. ● INCOME TAX - RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. citizens and corporation for purposes of section 883 of the Code.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-948-86

Drafting Attorney: Peter M. Belanger (202) 566-3289

Reviewing Attorney: John F. Dean (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5781

Agency Contact: Peter Belanger, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ57

2141. ● FOUR PERCENT TAX ON GROSS TRANSPORTATION INCOME AND ECI

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 887 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Four percent tax in gross transportation income. The regulation will address the circumstances in which persons must pay a transporation tax on a gross basis, and the circumstances in which they have effectively connected transporation income so that they must file a tax return and pay the tax on a net basis.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-940-86

Drafting Attorney: David L. Paul (202) 566-3289

Reviewing Attorney: John F. Dean (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: David L. Paul, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ60

2142. INCOME TAX REGULATIONS UNDER SECTION 121 OF THE TAX REFORM ACT OF 1984 RELATING TO RESOURCING CERTAIN AMOUNTS RECEIVED FROM A U.S. OWNED FOREIGN CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the resourcing of section 951 and 551 inclusions, and interest and dividends from certain U.S. owned foreign corporations. The regulations will provide rules for determining what interest amounts will be subject to resourcing.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-154-85.

Drafting attorney: Marnie J. Carro (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545-AI33

2143. ● SEPARATE APPLICATION OF SECTION 904 WITH RES PECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the separate application of the foreign tax credit limitation with respect to certain categories of income. The regulation will define the separate limitations, provide operational rules for determining the separate limitations (including look-through rules) and provide certain transition rules.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-931-86

Drafting Attorneys: Carolyn Dupuy (202) 566-3289

Marnie Carro (202) 566-3499

Reviewing Attorney: Carol Doran Klein (202) 566-6419

Treasury Attorney: Peter Daub

Agency Contact: Carolyn M. Dupuy & Marnie J. Carro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AJ69

2144. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2) (B) Internal Revenue Code of 1986; 26 USC 927(e)(1) and (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	

Small Entity: Not Applicable

Additional Information: INTL - 153-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel reviewing attorney: D. Crowe (302) 566-8275.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AI16

2145. ● COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: PL 99-514, Sec 1274

CFR Citation: 26 CFR 932

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: No

Additional Information: INTL-969-86

Drafting Attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing Attorney: Michael Patton (202) 287-4851.

Treasury Attorney: Peter Barns (202) 566-5815.

Agency Contact: Grace Perez-Navarro, Associate Attorney, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545-AJ55

2146. ● SUBPART F - USE OF DEFICITS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 958 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the extent to which the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for any taxable years may be reduced by the shareholder's share of qualified deficits. The regulation also will provide rules for applying the section 954(b)(3) deminimus and full inclusion rule and the section 954(b)(4) exception for certain income subject to high foreign tax and certain other rules concerning miscellaneous changes to the Subpart F provisions.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-954-86

Drafting Attorney: Carolyn Dupuy (202) 566-3289

Reviewing Attorney: Phyllis E. Marcus (202) 566-3323

Treasury Attorney: Peter Daub (202) 566-5711

Agency Contact: Carolyn M. Dupuy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ71

2147. ● SPECIAL RULE FOR FOREIGN CAPTIVE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(c)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would implement the statute which taxes currently U.S. persons utilizing offshore captive insurance companies. These U.S. owned or controlled companies were previously earning income the U.S., tax on which was deferred until repatriated to the United States.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-939-86

Drafting Attorney: John F. Dean (202) 566-3289

Reviewing Attorney: Jack Feldman (202) 566-3289

Treasury Attorney: Peter Barnes (202) 566-5815

Agency Contact: John F. Dean, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ70

2148. ● SUBPART F FPHC DEFINITIONS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Definition of FPHC income. Particular issues include the definition of income equivalent to interest, of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-953-86

Drafting Attorney: David L. Paul (202) 566-3289

Reviewing Attorney: Phyllis Marcus (202) 566-3289

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: David L. Paul, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ61

2149. ● CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: PL 99-514, Sec 1248

CFR Citation: 26 CFR 1059A

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-960-86

Drafting Attorney: W. Edward Williams (202) 287-4851

Reviewing Attorney: George Sellinger (202) 287-4851

Treasury Attorney: Stephen Shay (202) 566-5046

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ92

2150. ● CAPITALIZATION OF CERTAIN INTEREST EXPENSES--NOTICE OF PROPOSED RULEMAKING

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: LR-121-86.

Drafting attorney: Annette Guarisco (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Thomas Evans (202) 566-4902.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AK01

2151. ● DUAL RESIDENT COMPANIES LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation Regulations may exempt a U.S.

corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-992-86

Drafting Attorney: Riea M. Lainoff (202) 566-3289

Reviewing Attorney: Phyllis Marcus.

Treasury Attorney: David Crowe (202) 566-8275.

Agency Contact: Riea Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AJ54

2152. ● INFORMATION REGARDING RESIDENT STATUS: WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 3405; 26 CFR 6039E

Legal Deadline: None.

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on the applicant if the applicant does not supply the information to the State Department or Immigration and Naturalization Service. The regulations under 26 USC 3405 will provide circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: INTL-956-86

Drafting Attorney: Helen M. Lokey (202) 287-4851

Reviewing Attorney: Michael F. Patton (202) 287-4851

Treasury Attorney: David Crowe (202) 566-8275

Agency Contact: Helen Lokey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545-AJ93

2153. ● EXCISE TAXES RELATING TO REAL ESTATE INVESTMENT TRUSTS AND REGULATED INVESTMENT COMPANIES UNDER THE TAX REFORM ACT OF 1986

Legal Authority: 26 USC 4981 Internal Revenue Code of 1986; 26 USC 4982 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 55

Legal Deadline: None.

Abstract: The regulation would provide guidance pertaining to the excise taxes relating to real estate investment trusts and regulated investment companies under the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/87	
ANPRM Comment Period End	08/31/87	

Small Entity: Not Applicable

Additional Information: LR-104-86.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ02

2154. ● EXCISE TAX--PART 54 -- PROCEDURE AND ADMINISTRATION--PART 301--FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54.6011-1T; 26 CFR 54.6071-1T; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Temporary regulations	04/00/87	

Small Entity: No

Additional Information: EE-150-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422

Reviewing Attorney: James L. Brokaw (202) 566-4173

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277

Cross Reference to EE-151-86

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AI84

2155. ● INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: PL 99-514, Sec 1245

CFR Citation: 26 CFR 6038A

Legal Deadline: None.

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

TREAS—IRS **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	12/00/87	

Small Entity: Yes

Additional Information: INTL-958-86

Drafting Attorney: Charles A. Ray (202) 287-4851.

Reviewing Attorney: Michael F. Patton (202) 287-4851.

Treasury Attorney: Stephen Shay (202) 566-5046.

Agency Contact: Charles A. Ray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545-AJ56

2156. ● TREATMENT OF NET CAPITAL LOSSES OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS-RELATIONSHIPS BETWEEN CHAPTER 44 EXCISE TAXES AND TAXABLE INCOME

Legal Authority: 26 USC 856 (b) (3) Internal Revenue Code of 1986; 26 USC 857 (b) (3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would establish rules pertaining to the relationship and effect of net capital losses of RICs and REITs attributable to transactions after the cut-off date for capital transactions and the taxable income if the entity for the subsequent taxable year.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/87	
ANPRM Comment Period End	08/31/87	

Small Entity: Not Applicable

Additional Information: LR-116-86.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8278.

Treasury attorney: Don Rocap (202) 566-8278.

Government Levels Affected: Federal

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ04

2157. ● REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/87	
ANPRM Comment Period End	08/30/87	

Small Entity: Not Applicable

Additional Information: LR-133-86

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Government Levels Affected: Federal

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ05

2158. ● PROCEDURE AND ADMINISTRATION—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will amend temporary regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
Temporary regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-70-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK13

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Proposed Rule Stage

2159. ● INCOME TAX—DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AJ18

2160. ● INCOME TAX--UNEARNED OF MINOR CHILDREN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the tax on unearned income of certain minor children.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Additional Information:

LR-112-86.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ17

2161. ● INCOME TAX--NOTICE TO EMPLOYEES OF EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers notify certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-98-86

Drafting attorney: Robert H. Ginsburg (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Roberts (202) 566-2565.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI77

2162. ● INCOME TAX--NOTICE TO EMPLOYEES OR EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers noting certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-99-86

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) Reviewing

attorney: Jorie Roberts.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ44

2163. ● INCOME TAX--NOTICE TO EMPLOYEES OF EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 32 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: THE REGULATIONS WOULD PROVIDE THE PROCEDURES NECESSARY TO IMPLEMENT THE STATUTORY REQUIREMENT THAT EMPLOYERS NOTIFY CERTAIN EMPLOYEES WHOSE WAGES ARE NOT SUBJECT TO INCOME TAX WITHHOLDING THAT THEY MAY BE ELIGIBLE FOR THE REFUNDABLE EARNED INCOME CREDIT.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-98-86.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Legislative Counsel attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AK00

2164. ● LOW-INCOME HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide low-income housing credit rules.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: LR-83-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Mitchell Rapaport (202) 566-3294.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545-AJ65

2165. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney:

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF06

2166. INCOME TAX—ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Additional Information: LR-235-82.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AE80

2167. ● ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will address issues relating to the alternative minimum tax for individuals. The issues addressed will include the adjustment to inventory to take into account alternative tax depreciation, determination of the preference amount for charitable contributions of appreciated property, and application of alternative tax adjustments in determining the alternative tax liability of a trust or estate.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-2-87

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-4336

RIN: 1545-AJ86

2168. ● CORPORATE ALTERNATIVE MINIMUM TAX BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 56 (c) (1) Internal Revenue Code of 1986; 26 USC 56 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will describe rules for the computation of the alternative minimum net book income adjustment imposed on corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information:

LR-107-86

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel Attorney: Tom Evans

(202) 566-4902.

Office of Tax Legislative Counsel Attorney: Richard Harvey

(202) 566-4902.

Office of Tax Legislative Counsel Attorney: Neil Kimmelfield

(202)566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ14

2169. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-209-78.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AA34

2170. ● 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3328

Charles M. Whedbee (202) 566-3458

Susan T. Baker (202) 566-3294.

Treasury attorney: Blake Rubin (202) 566-2927

Don Rocap (202) 566-8278.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ49

2171. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-106-82.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jeffrey A. Quinn (202) 566-2175.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE41

2172. INCOME TAX--EARLY WITHDRAWALS FROM DEFERRED ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	

Small Entity: Not Applicable

Additional Information: LR-279-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-2926.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF08

2173. ● NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative trusts contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: EE-130-86

Drafting Attorney: Steven T. Miller (202) 566-3422

Reviewing Attorney: James L. Brokaw (202) 566-3422

Treasury Attorneys: Harry Conaway (202) 566-8278

Treasury Attorney: Susan Scherbel (202) 535-6963

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI78

2174. INCOME TAX—FLEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-308-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF28

2175. ● INCOME TAX REGULATIONS—MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-135-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK14

2176. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(14)—RELATING TO LIMITATION ON MATURITY OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Rules will provide guidance with respect to computation of average weighted economic life and average weighted maturity. Rules limit the average length of the maturity of all industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-220-82.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE69

2177. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-156-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AG84

2178. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed Regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-29-86.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Mitchell Rapaport (202) 566-3294.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AI65

2179. PRIVATE LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to private loan bonds. The regulations will explain the meaning of the term "loan" for purposes of this provision. The regulations will also provide guidance on which obligations are not private loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-85.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AH97

2180. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None.

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-307-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG88

2181. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-91-81.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing.

attorney: Patricia McClanahan.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA67

2182. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-303-84.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH17

2183. ● EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship or fellowship grant.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Additional Information: LR-3-87

Drafting attorney: Margaret M. O'Connor (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Majorie Roberts (202) 566-2565.

Agency Contact: Margeret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, N.W., Washington, DC 20224, 202 566-3287

RIN: 1545-AJ87

2184. QUALIFIED TUITION REDUCTIONS (SECTION 532 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information: LR-35-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI13

2185. INCOME TAX--CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 118(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

Timetable:

Action	Date	FR Cite
NPRM - Previous	09/27/78	
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-136-76.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA71

2186. ● INCOME TAX--TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal". In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Additional Information:

LR-109-86.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-0231

RIN: 1545-AJ21

2187. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-83.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Tax Legislative Counsel attorney:

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF39

2188. ● INCOME TAX--PRIZES AND AWARDS

Legal Authority: 26 USC 74 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will incorporate changes with respect to the tax treatment of prizes and awards and certain employee achievement awards. They will provide guidance so that effective designations and transfers of awards may be accomplished as well as rules with respect to allowance of exclusions and deductions for awards given in an employment context.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	

Small Entity: Undetermined

Additional Information:

LR-111-86.

Drafting attorney: Christopher J. Wilson (202) 566-3287.

Reviewing attorney: Margaret O'Connor (202) 566-3287.

Treasury attorney: Majorie Roberts (202) 566-2565.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AJ19

2189. ● INCOME TAX--DEFINITION OF "PRIVATE ACTIVITY BOND"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding the definition of private activity bonds", issued by State or local governmental units, which are generally taxable unless a specific exception applies to such bond issue. The Tax Reform Act of 1986 made significant revisions regarding this subject matter.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-87-86.

Drafting Attorney: John A. Tolleris (202) 566-3590.

Reviewing Attorney: John M. Coulter, Jr. (202) 566-44733.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3590**

RIN: 1545-AJ34

2190. ● TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-89-86

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ66

2191. ● INCOME TAX--STUDENT LOAN BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide guidance to issuers of tax-exempt student loan bonds regarding quarterly with the rules relating to qualified student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-80-86.

Drafting Attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Treasury Attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3294**

RIN: 1545-AJ42

2192. ● ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to the requirement that arbitrage profits earned on tax-exempt bonds be paid to the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-91-86

Drafting attorney: Richard G.Blumenreich (202) 566-3459.

Reviewing attorneys: Mitchell H. Rapaport (202) 566-3294 and Gerald Rock (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution

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RIN: 1545-AJ67

2193. ● INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-146-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Mitchell Rapaport (202) 566-3294.

Treasury attorney: Elliott Stern (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545-AJ63

2194. INCOME TAX—TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-190-77.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA79

2195. ● CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: EE-143-86

Drafting Attorney: Mark Schwimmer (202) 566-6212.

Review Attorney: Michael A. Thrasher (202) 566-6212.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Cross Reference to EE-144-86.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI93

2196. ● INCOME TAX REGULATIONS--LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-137-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK17

2197. INCOME TAX—NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168(e)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-244-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA88

2198. ● ACCELERATED COST RECOVERY SYSTEM--REPLACEMENT-RETIREMENT-BETTERMENT (RRB) PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide regulations under section 168 (f) (3) relating to the cost recovery of retirement-replacement-betterment (RRB) property placed in service before January 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information:

LR-147-86.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: Ada S. Rousso, Acting Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AJ22

2199. INCOME TAX -- TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/00/88	

Small Entity: Not Applicable

Additional Information: LR-231-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AI09

2200. ● FINAL REGULATIONS RELATING TO THE CHARITABLE CONTRIBUTIONS DEDUCTION IN THE CONTEXT OF BARGAIN SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide that a charitable contribution deduction will be disallowed if the amount of the contribution is less than the amount of gain that would have been recognized had the contributed portion of the property been sold by the donor of its fair market value at the time of the sale or exchange.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-7-87

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: David R. Haglund (202) 566-3297.

Agency Contact: Joel S. Rustein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545-AJ85

2201. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183(e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-73-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG27

2202. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB02

2203. ● PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-102-86.

Drafting attorneys: Stuart G. Wessler and Joel S. Rustein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ96

2204. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-261-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH39

2205. ● CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-168-86.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK05

2206. INCOME TAX—TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274(h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-114-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Draft of notice to Treasury for review 11/08/82.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB04

2207. INCOME TAX—AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280 Internal Revenue Code of 1986; Section 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-220-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB08

2208. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None.

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-217-84.

Drafting attorney: Stuart Wessler (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Stuart Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH49

2209. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302(c)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-189-82.

Drafting attorney: Michel A. Daze' (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Treasury attorney: McClanahan.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AF13

2210. ● INCOME TAX—PART 1-NPRM-REORGANIZATION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986, [[631-633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986; 26 USC 338 (h) (10) Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for the recognition of gain or loss on a corporations liquidating sales and distributions and would provide rules for the built-in gain tax for a corporation that elects S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-86.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Andrew B. Pullman (202) 566-4336.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ01

2211. ● TRANSFER OF INTANGIBLES SUBJECT TO SECTION 367 OR 482 OF THE CODE

Legal Authority: PL 99-514, Sec 1231

CFR Citation: 26 CFR 482-2; 26 CFR 367(d)-1T; 26 CFR 936-4; 26 CFR 936-5; 26 CFR 936-6; 26 CFR 936-7

Legal Deadline: None.

Abstract: Prior to the Reform Act of 1986, U.S. taxpayers were able to shift income out of the U.S. by transferring intangibles to Section 936 possessions corporations, contributing intangibles to related foreign corporations in Section 367 transactions or selling or licensing intangibles to related foreign parties at less than arm's-length prices and transactions subject to section 482. Valuing such transfers (at the time of transfer) has proven to be difficult and non-productive. The Reform Act of 1986 provides that payments to be received by the transferor of intangibles must be commensurate with the income from the intangible. Major issue - What portion of the income from the intangible will constitute "commensurate"? Provisions will raise large amounts of revenue.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Additional Information: INTL-937-86

Drafting Attorney: Bobby D. Burns (202) 287-4851

Reviewing Attorney: George Sellinger (202) 287-4851

Treasury Attorney: Steve Shay (202) 566-5046

Agency Contact: Bobby D. Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545-AJ91

TREAS—IRS **Proposed Rule Stage**

2212. ● FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None.

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: Not Applicable

Additional Information: INTL-998-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Bernard Bress (202) 566-6440

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AJ78

2213. INCOME TAX--CORPORATE REORGANIZATION AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 354 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would provide regulations with respect to amendments to the provisions of the Internal Revenue Code of 1954 dealing with bankruptcy and other insolvency reorganizations, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret those amendments.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: LR-63-81.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB29

2214. ● INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 383 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will explain and illustrate the limitations provided under sections 382-3 of the Internal Revenue Code of 1986 on a corporations use of certain carryovers, including the net operating loss carryover, the capital loss carryover, and certain credit carryovers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-103-86.

Drafting attorneys: John Broadbent, Keith Stanley, Tom Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202)566-3458.

Treasury attorney: Thomas Wessel (202)566-4979.

Agency Contact: Keith Stanley, John Broadbent, Thomas Kane, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI99

2215. ● INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 383 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will explain and illustrate the limitations provided under sections 382-3 of the Internal Revenue Code of 1986 on a corporations use of certain carryovers, including the net operating loss carryover, the capital loss carryover, and certain credit carryovers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-106-86.

Drafting attorneys: John Broadbent, Keith Stanley, Thomas Kane (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202)566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Stanley, John Broadbent, & Thomas Kane, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ00

2216. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AF81

2217. INCOME TAX—REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1986; 26 USC 401(a)(9) Internal Revenue Code of 1986; 26 USC 408(b)(3) Internal Revenue Code of 1986; 26 USC 408(d)(3)(C) Internal Revenue Code of 1986; 26 USC 219(d)(4) Internal Revenue Code of 1986; 26 USC 403(b)(10); 26 USC 4974

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE95

2218. ● CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401(k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Additional Information: EE-158-86

Drafting Attorney: William D. Gibbs (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Treasury Attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AI79

2219. ● INCOME TAX — PART 1— APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(L) Internal Revenue Code of 1986; 26 USC 401(a)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Undetermined

Additional Information: EE-159-86

Drafting Attorney: Michael Garvey (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Treasury Attorney: Harry Conaway (202) 566-8277.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AI86

2220. ● NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Additional Information: EE-160-86

Drafting Attorney: William D. Gibbs (202) 566-3430.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Treasury Attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William B. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AI80

2221. ● NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 402(B) ANNUITIES

Legal Authority: 26 USC 403(b)(10) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988.

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax- sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-163-86

Drafting Attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorneys: Scherbel/Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI90

2222. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404(a)(9) Internal Revenue Code of 1986; 26 USC 415(c)(6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-152-81.

Drafting attorney: Mary Oppenheimer (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Mary Oppenheimer, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD77

2223. ● INC. TAX -- PART 1; ESTATE TAX -- PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401(a)(28) Internal Revenue Code of 1986; 26 USC 401(a)(23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404(k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None.

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: EE-164-86

Drafting Attorney: John Ricotta (202) 566-3544.

Reviewing Attorney: Michael Thrasher (202) 566-3961.

Treasury Attorneys: Susan Scherbel/ Harry Conaway (202) 566-8278.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AI87

2224. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD82

2225. RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1.410(a)-3; 26 CFR 1.410(a)-7; 26 CFR 1.411(a)-5; 26 CFR 1.411(b)-1

Legal Deadline: None.

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and

6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRMDocument published is only a portion of total NPRM project	01/30/86	51 FR 03798
Hearing	05/22/86	51 FR 12340
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-95-84.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545-AH03

2226. ● INCOME TAX - PART 1 - MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986"

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	

Small Entity: Not Applicable

Additional Information: EE-167-86

Drafting Attorney: V.A. Moore (202) 566-3422.

Reviewing Attorney: James Brokaw (202) 566-4173.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI88

2227. INCOME TAX-PART I - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.411(d)

Legal Deadline: None.

Abstract: The regulations would provide guidelines for reducing accrued benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
Temporary regulation	09/30/86	
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-48-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with temporary regulations EE-47-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545-AI46

2228. INCOME TAX-PART 1 - REDUCTION OF ACCRUED BENEFITS TO QUALIFY FOR A STANDARD TERMINATION OF A SINGLE EMPLOYER DEFINED BENEFIT PENSION PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.411(d)T

Legal Deadline: None.

Abstract: The regulations would provide temporary guidelines for reducing benefits for certain key employees in order to qualify for a standard termination of a single-employer defined benefit pension plan.

Timetable:

Action	Date	FR Cite
Temporary regulation	09/30/86	
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-47-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Mary Oppenheimer (202) 566-3544.

Cross-referenced with NPRM EE-48-86.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545-AI48

2229. ● INC. TAX -- PART 1 -- BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(b)(1)(H) Internal Revenue Code of 1986; 26 USC 411(b)(2) Internal Revenue Code of 1986; 26 USC 410(a)(2) Internal Revenue Code of 1986; 26 USC 411(a)(8)(B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Statutory, February 1, 1988. Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Undetermined

Additional Information: EE-184-86

Drafting Attorney: Michael Garvey (202) 566-3430

Reviewing Attorney: Richard J. Wickersham (202) 566-3250

Treasury Attorney: Harry Conaway (202) 566-8277

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AI85

2230. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	

Small Entity: Not Applicable

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AE39

2231. INCOME TAX-PART 1 - VARIANCE FROM MINIMUM FUNDING STANDARD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.412

Legal Deadline: None.

Abstract: The proposed regulations would supersede Rev. Proc. 83-41 and prescribe a standard waiver application form.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Undetermined

Additional Information: EE-42-86.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Jonathan Marget (202) 566-3651.

Agency Contact: Mary Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3903**

RIN: 1545-AI55

2232. ● DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1.414(q)-1; 26 CFR 1.414(s)-1

Legal Deadline: None.

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	

Small Entity: No

Additional Information: EE-129-86

Drafting Attorney: Nancy J. Marks (202) 566-3903.

Reviewing Attorney: Richard J. Wickersham (202) 566-3250.

Office of Legislative Counsel (Treasury reviewing attorneys: Susan Scherbel (202) 566-4902, Harry S. Conaway (202) 566-4902.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AI91

2233. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD87

2234. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(n)Internal Revenue Code of 1986; 26 USC 414(m) (5) Internal Revenue Code of 1986; 26 USC 414(o)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain

management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-111-82.

Drafting attorney: Michael Garvey (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Conaway.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE91

2235. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 417 Internal Revenue Code of 1986; 26 USC 401(a) (11) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG72

2236. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239(d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-8278.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-6212**

RIN: 1545-AG14

2237. INC. TAX--PART 1--AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.442-1

Legal Deadline: None.

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: EE-06-86.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Suzanne Ross McDowell (202) 566-8278.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3422**

RIN: 1545-AI68

2238. ● LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-122-86.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Tom Evans (202) 566-4902.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3238**

RIN: 1545-AJ52

TREAS—IRS

Proposed Rule Stage

2239. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Additional Information: LR-143-83.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF73

2240. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: LR-54-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG37

2241. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-2-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-5453.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB45

2242. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-103-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB41

2243. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-147-82.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB46

2244. ● INCOME TAX -- DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-166-86

Drafting Attorney: Monice Rosenbaum (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Treasury Attorney: Conaway (202) 566-8278.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI89

2245. INCOME TAX REGULATIONS—THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461(h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-258-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH32

2246. INCOME TAX REGULATIONS—TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-259-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH35

2247. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-192-78.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF86

2248. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity. The aggregation rules will apply to taxable years beginning after December 31, 1985.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-108-85.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Tom Wessel (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AI02

2249. ● EXTENSION OF AT RISK LIMITATIONS TO REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Additional Information: LR-124-86.

Drafting attorney: Michael J. Grace (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK08

2250. INCOME TAX REGULATIONS - DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the accrued of rent for the use of tangible property (and interest on rent that accrued but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-293-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG80

2251. ● ESSENTIAL ISSUES IN CONNECTION WITH LIMITATIONS ON LOSSES AND CREDITS FROM PASSIVE ACTIVITIES

Legal Authority: 26 USC 469 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to taxpayers on the most essential issues in connection with the computation at a taxpayer's passive activity loss and passive activity credit.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: LR-126-86

Drafting attorney: Michael J.Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3288**

RIN: 1545-AK18

2252. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-57-83.

Drafting attorney: Arthur E. Davis (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF65

2253. NONDISCRIMINATION REQUIREMENTS UNDER SECTIONS 501 (C) (9) AND (20)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 505 (a) Internal Revenue Code of 1986; 26 USC 505 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance with respect to the nondiscrimination requirements for voluntary employees' beneficiary associations and group legal service plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-68-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG23

TREAS—IRS

Proposed Rule Stage

2254. INCOME TAX—UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512(a) Internal Revenue Code of 1986; 26 USC 514(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AE00

2255. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-83-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Quinn

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF00

2256. INCOME TAX—RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB69

2257. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-34-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI06

2258. CLARIFICATION OF SECTION 1.643 (A)-3 RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643(a)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-148-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI31

2259. ● INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/88	

Small Entity: Not Applicable

Additional Information:

LR-108-86.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ20

2260. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority:

26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986; 26 USC 678(b) Internal Revenue Code of 1986; 26 USC 643(a) Internal Revenue Code of 1986; 26 USC 643(c)(6)(C) Internal Revenue Code of 1986; 26 USC 643(c)(6)(D) Internal Revenue Code of 1986; 26 USC 643(d) Internal Revenue Code of 1986; 26 USC 6048 Internal Revenue Code of 1986; 26 USC 6677 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of International Tax Counsel (Treasury) reviewing attorney: Steven R. Lainoff.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB79

2261. TO PROVIDE SPECIAL RULES CONCERNING RELATED PARTY LOANS IN THE CASE OF PARTNERSHIP ALLOCATIONS ATTRIBUTABLE TO NONRECOURSE DEBT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide regulations relating to loans made to a partnership by a person related to a partner of the partnership.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-30-86.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Lorry Spitzer (202) 535-6968.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI66

2262. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 704(c)

Legal Deadline: None.

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: No

Additional Information: LR-164-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG98

2263. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706(d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-76.

Drafting attorney: Robert Ginsburgh (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Spitzer.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB81

2264. ● TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-101-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury reviewer: J. Richard Harvey (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AJ47

2265. INCOME TAX—TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG83

2266. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-163-84.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kimmelfield.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH22

2267. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG85

2268. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to

changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-229-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: A.L. Spitzer (202) 535-6968.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH26

2269. ● MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-71-86.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK04

2270. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG63

2271. ● INCOME TAX REGULATIONS—DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-139-86.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3288

RIN: 1545-AJ51

2272. ● PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 – SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/88	

Small Entity: Not Applicable

Additional Information: INTL-949-86

Drafting Attorney: Joseph M. Rosenthal (202) 566-3872

Reviewing Attorney: Benedetta Kissel (202) 566-3179

Treasury Attorney: David Crowe (202) 566-8275

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3872

RIN: 1545-AJ84

2273. REGULATIONS RELATING TO THE APPLICATION OF SECTIONS 864 AND 956 TO RELATED PARTY INTERNATIONAL FACTORING TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Additional Information: INTL-49-86.

Drafting attorney: Marnie Carro (202) 566-3494.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Agency Contact: Marnie Carro/Ann Zukas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AH85

2274. REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: INTL-39-86

Drafting attorney: Carl Cooper (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3388**

RIN: 1545-AG66

2275. EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
Hearing held	01/28/85	49 FR 47870
NPRM	08/20/85	50 FR 33552
NPRM Comment Period End	10/22/85	50 FR 33552
NPRM	12/31/87	

Small Entity: No

Additional Information: INTL-53-86.

Drafting attorney: Carl Cooper (202) 576-3388.

Reviewing attorney:Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3388**

RIN: 1545-AH15

2276. ● UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules regarding deductibility of expenses by a foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	

Small Entity: Not Applicable

Additional Information: INTL-74-86

Drafting Attorney: Richard Chew ning (202) 566-3490.

Reviewing Attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel reviewing attorney: unassigned.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AJ74

2277. ● BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: INTL-934-86

Drafting Attorney: Richard M. Elliott (202) 566-6457

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Richard M. Elliott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545-AJ73

2278. ● INCOME TAX—INCOME OF FOREIGN GOVERNMENTS AND OF INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 892(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules governing the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: INTL-959-86

Drafting Attorney: David A. Juster (202) 566-6384

Reviewing Attorney: Bernard T. Bress (202) 566-6440

Office of International Tax Counsel (Treasury) Reviewing Attorney: Peter Daub (202) 566-5791

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545-AJ79

2279. INCOME TAX—PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: INTL-48-86

Drafting attorney: John Dean (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-3095.

Treasury attorney: Joseph L. Andrus (202) 566-5992.

Agency Contact: John Dean, Senior Technical Reviewer, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB98

2280. NOTICE OF PROPOSED RULEMAKING—NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL - 58-86.

Drafting attorney: Charles P. Besecky.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel Reviewing Attorneys: Crowe.

Agency Contact: Charles P. Besecky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AF17

2281. ● AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Additional Information: INTL-942-86

Drafting Attorney: Charles P. Besecky (202) 566-3319

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179

Office of International Tax Counsel Reviewing Attorney: D. Crowe (202) 566-2875

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AJ90

2282. ● SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance to taxpayers in computing the foreign tax credit limitations with respect to certain categories of income.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: INTL-931-86

Drafting Attorney: Marnie Carro (202) 566-3494

Reviewing Attorney: Carol Doran Klein (202) 566-6419

Agency Contact: Marnie J. Carro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3494

RIN: 1545-AJ72

2283. PROPOSED REGULATIONS RELATING TO CERTAIN AMOUNTS TREATED AS INTEREST FOR PURPOSES OF THE LIMITATION ON THE FOREIGN TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the treatment of interest income of a U.S. person that is attributable to separate limitation interest income of a RIC or certain foreign corporations for purposes of the separate foreign tax credit limitations for interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-63-86.

Drafting attorney: Marnie J. Carro (202) 566-3494.

Reviewing attorney: Charles C. Saverude (202) 566-3913.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3494

RIN: 1545-AH84

2284. INCOME TAX--PROCEDURE & ADMINISTRATION--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL - 61-86

Drafting attorney: Gerard Traficanti (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of the Notice to International Tax Counsel of October 19, 1982.

Agency Contact: Gerard Traficanti, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, 202 566-6384

RIN: 1545-AC06

2285. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL - 152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-9050.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AE34

2286. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	51 FR 2726

Small Entity: Not Applicable

Additional Information: INTL -44-86

Drafting attorney: Peter Belanger (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Peter Belanger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC10

2287. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

TREAS—IRS **Proposed Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-9050.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AE38

2288. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-172-84.

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3872

RIN: 1545-AG71

2289. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH43

2290. INCOME TAX--NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	

Small Entity: Not Applicable

Additional Information: LR-260-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH41

2291. ● INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-119-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ06

2292. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263(g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-187-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC21

2293. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Not Applicable

Additional Information: INTL - 42-86

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney:

Draft of notice in International Tax Counsel for review.

Agency Contact: David A. Juster, Attorney CC:INTL:Br3, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545-AC31

2294. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AC34

2295. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
NPRM	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-11-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3287**

RIN: 1545-AI59

2296. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-21-85.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury Attorney: Bryan Collins (202) 566-4979.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, **202 566-6456**

RIN: 1545-AH82

2297. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-19-85.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: John A. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Ewan D. Purkiss, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH75

2298. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC37

2299. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-262-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE86

2300. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-260-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE26

2301. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE85

2302. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE88

2303. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE90

2304. INCOME TAX--TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1372Internal Revenue Code of 1986; 26 USC 1373Internal Revenue Code of 1986; 26 USC 613AInternal Revenue Code of 1986; 26 USC 4996Internal Revenue Code of 1986; 26 USC 48Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	

Small Entity: Not Applicable

Additional Information: LR-266-83.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: James Bridgeman.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE28

2305. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1378 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would define and interpret the definitions and special rules contained in section 1377 through 1379 of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	01/01/88	

Small Entity: Not Applicable

Additional Information: LR-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE94

2306. ● APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-154-86

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3297

RIN: 1545-AJ94

2307. ● INCOME TAX--DELETION OF THE REQUIREMENT OF SECTION 1.1502-47 (D) (12) (V) (C) THAT, IN APPLYING TACKING RULE, PROFITABLE AND LOSS LIFE ACTIVITIES NOT BE SEPARATED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will prospectively delete the requirement of section 1.1502-47 (d) (12) (v) (C) relating to the restriction on the separation of profitable activities from loss activities in applying the tacking rule to life insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-157-86

Drafting attorney: Keith Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI98

2308. INCOME TAX--EARNINGS AND PROFITS FOR PURPOSES OF INVESTMENT ADJUSTMENTS UNDER 1.1502-32

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-222-81.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC47

2309. INCOME TAX--APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC55

2310. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-189-77.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Shay.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC58

2311. INCOME TAX – AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-152-84.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Andrew B. Pullman (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH09

2312. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012(a) Internal Revenue Code of 1986; 26 USC 2012(c) Internal Revenue Code of 1986; 26 USC 2013(b) Internal Revenue Code of 1986; 26 USC 2013(e)(1) Internal Revenue Code of 1986; 26 USC 2014(b)(2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038(a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None.

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-212-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AC60

2313. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013(f) Internal Revenue Code of 1986; 26 USC 1016(c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None.

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: Not Applicable

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorneys: James D. Bridgeman, David C. Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC62

2314. ● CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 234A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
NPRM	06/09/87	

Small Entity: Not Applicable

Additional Information: EE-56-78

Drafting Attorney: Mark Schwimmer (202) 566-6212.

Review Attorney: Jonathan P. Marget (202) 566-3961.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI92

2315. EMPL. TAX–SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121(t) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-35-78.

Drafting attorney: Beverly Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC76

2316. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None.

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-192-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF91

2317. ELECTIONS BY CHURCHES AND QUALIFIED CHURCH-CONTROLLED ORGANIZATIONS TO EXCLUDE SERVICE PERFORMED IN THEIR EMPLOY FROM EMPLOYMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 (w) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 5h; 26 CFR 31

Legal Deadline: None.

Abstract: These regulations provide the manner in which churches and qualified church-controlled organizations may elect to exclude service performed in their employ from employment and the subsequent treatment of remuneration from such excluded service with respect to self employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-239-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH63

2318. ● NOTICE OF PROPOSED RULEMAKING RELATING TO THE APPLICATION OF MEDICARE TAX TO NEWLY HIRED STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These regulations proved guidance on the application of the Medicare tax to newly hired state and local government employees.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-56-86

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3226.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI76

2319. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302(c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the code.

Timetable:

Action	Date	FR Cite
NPRM	02/28/88	

Small Entity: Not Applicable

Additional Information: LR-195-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3430.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney:

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AF97

2320. ● SUBMISSION OF CERTAIN WITHHOLDING EXEMPTION CERTIFICATES AND ENTITLEMENT TO ADDITIONAL WITHHOLDING EXEMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3402 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This document provides temporary regulations that relate to the submission of withholding exemption certificates when the total number of withholding exemptions claimed on a certificate exceeds 10, and to the requirements that an employee must meet to be entitled to the additional withholding exemption in respect of the standard deduction.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/17/86	51 FR 45107
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR 143-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Patricia McClanahan (202) 566-2929.

Agency Contact: Laure Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AJ32

2321. EMPLOYMENT TAX--WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405Internal Revenue Code of 1986; 26 USC 6047(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None.

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-115-82.

Drafting attorney: Mary E. Brennan (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Mary E. Brennan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE98

2322. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury Attorneys: Susan Himes and Richard D'Avino (202) 566-5455 and (202) 566-8527, respectively.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE20

2323. REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These regulations will provide rules relating to when a payer of reportable interest and dividends must withhold on such payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-86-85.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Reviewing attorney: Renay France (202) 566-3459.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH83

2324. ● ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	

Small Entity: Not Applicable

Additional Information:

LR-114-86.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AJ13

2325. EXCISE TAX–RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	

Small Entity: No

Additional Information: LR-30-83.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Ada Rousso (202) 566-3297.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AF61

2326. EXCISE TAX - DEFINITION OF FIRST RETAIL SALE

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: LR-17-86.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AI51

2327. ● EXCISE TAX–COLLECTION OF GASOLINE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	

Small Entity: Not Applicable

Additional Information:

LR-115-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AJ09

2328. ● CERTAIN INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance with respect to the requirement that certain indebtedness of a taxpayer be treated as a payment on certain installment obligations held by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-93-86

Drafting Attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AJ27

2329. ● INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX—IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986; 26 USC 4662 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None.

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Additional Information:

LR-158-86.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Linda Carlisle (202) 566-5911.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AJ23

2330. INCOME TAX—LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None.

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40211
NPRM Comment Period End	04/03/87	52 FR 802
Hearing	05/11/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-154-78.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McDowell, Spitzer.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AE02

2331. INCOME TAX—EXCISE TAX—PROCEDURE AND ADMINISTRATION—VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None.

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-76-84.

Drafting attorney: V. A. Moore (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG18

2332. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53.4943-1

Legal Deadline: None.

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-65-84.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AG49

2333. ● EXCISE TAX – PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: EE-165-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI82

2334. ● EXCISE TAX – EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	

Small Entity: Undetermined

Additional Information: EE-161-86

Drafting Attorney: Marjorie Hoffman (202) 566-3430.

Review Attorney: Richard J. Wickersham (202) 560-3250.

Treasury Attorneys: Susan Scherbel/Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AI81

2335. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-226-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD00

2336. ● EXCISE TAX – PART 54 – PROCEDURE AND ADMINISTRATION– PART 301 – FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54.6011-1; 26 CFR 54.6071-1; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan

assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: EE-151-86

Drafting Attorney: Suzanne K. Tank (202) 566-3422.

Reviewing Attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Cross Reference to EE-150-86.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4322

RIN: 1545-AI83

2337. ● NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-156-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: A. L. Spitzer (202) 535-6968.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ98

2338. AMENDMENT OF SECTION 1.6033-2(G)(5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101(d)(1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None.

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section l.6033-2 (g) (5) of the Treasury Regulations to be consistent Revenue Bulletin, page 6.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: Not Applicable

Additional Information: EE-41-86.

Drafting attorney: V.A. Moore (202) 566-3422.

Reviewing attorney: Paul Accettura (202) 566-3422.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AI52

2339. RETURNS, ETC. ON CERTAIN FRINGE BENEFIT PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	

Small Entity: Not Applicable

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorneys: Scherbel/Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AI22

2340. ● INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would propose rules relating to the reporting of real estate transactions

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774

Small Entity: Not Applicable

Additional Information: LR-95-86.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3238

RIN: 1545-AJ25

2341. INCOME TAX—REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such

persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Steven Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE47

2342. ESTATE TAX—PROCEDURE AND ADMINISTRATION—DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	

Small Entity: Not Applicable

Additional Information: LR-210-76.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-0231

RIN: 1545-AD23

2343. INTEREST ON HOSPITAL INSURANCE TAXES ON WAGES OF STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6205 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This regulation will permit interest-free adjustments for underpayments of hospital insurance taxes with respect to wages of State and local government employees hired after March 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Additional Information: LR 146-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AI50

2344. STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 3011 Internal Revenue Code of 1986; 5 USC 6111Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-237-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI08

2345. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None.

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-269-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297. Office of Tax Legislative Counsel Reviewing attorney: Bryan Collins (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE96

2346. ● SMALL S CORPORATION EXCEPTIONS AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None.

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	02/15/87	
NPRM Comment Period End	04/15/87	

Small Entity: Not Applicable

Additional Information: LR-74-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: Bryan P. Collins (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ99

2347. PROCEDURE AND ADMINISTRATION REGULATIONS—PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-161-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI24

2348. PROCEDURE AND ADMINISTRATION—RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-253-82.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AE82

2349. ● PROCEDURE AND ADMINISTRATIVE—REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-72-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK12

2350. PROCEDURE AND ADMINISTRATION REGULATIONS—EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6501

TREAS—IRS **Proposed Rule Stage**

Legal Deadline: None.

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-162-85.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI23

2351. ● ESSENTIAL ISSUES IN CONNECTION WITH DIFFERENTIAL INTEREST RATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-123-86

Drafting attorney: Michael J. Grace (202)566-3288.

Reviewing attorney: John H. Parcell (202)566-3336.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK06

2352. PROCEDURE & ADMINISTRATION—ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-272-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AD39

2353. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-273-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AE99

2354. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF01

2355. ● PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Additional Information:

LR-142-86.

Drafting Attorney: Renay France (202) 566-33459.

Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3459

RIN: 1545-AJ29

2356. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6815(D) DEALING WITH CERTIFICATES OF COMPLIANCE WITH THE INCOME TAX LAWS ISSUED TO ALIENS DEPARTING THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6815 (d)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will clarify which classes of aliens departing the United States are required to obtain certificates of compliance with the income tax laws, providing the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2-84.

Drafting attorney: Marylouise Dionne (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

In Legislation and Regulations Division for preparation of notice. Withdrawal under current consideration.

Agency Contact: Marylouise Dionne, Attorney-Advisor Branch 3, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545-AF80

2357. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-309-82.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AE30

2358. INCOME TAX—INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS; PRACTICE &PROCEDURE —DEFINITION OF SERVICE CONTRACTS & OTHER ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(a)(4) Internal Revenue Code of 1986; 26 USC 48(a)(5) Internal Revenue Code of 1986; 26 USC 7701(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit. The regulations would also define service contracts and other arrangements, for purposes of analysis vis a vis leasing arrangements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-223-78.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Ada Rousso (202) 566-3287.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3459

RIN: 1545-AA23

2359. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-55-86.

Drafting attorney: Marnie Carro (202) 566-3494.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3494

RIN: 1545-AH13

2360. ● INCOME TAX--ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-88-86.

Drafting Attorney: Michel A. Daze (202) 566-6456.

Reviewing Attorney: Susan T. Baker (202) 566-3294.

Treasury Attorney: Reed Schuldiner (202) 535-6963.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-6456

RIN: 1545-AJ35

2361. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Not Applicable

Additional Information: LR 85-85.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH99

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Final Rule Stage

2362. INCOME TAX--JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 23 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	50 FR 45423
NPRM Comment Period End	12/30/85	50 FR 45423
Hearing	02/14/86	
Final Action	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-73-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA03

2363. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the issuance of mortgage

credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-245-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH06

2364. INCOME TAX—INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-114-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8278.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AI39

2365. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 28 Internal Revenue Code of 1986; 26 USC 280C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None.

Abstract: These regulations will amend the Income Tax Regulations in order to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1954, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	50 FR 15930
Final Action	07/01/87	

Small Entity: Not Applicable

Additional Information: LR-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF64

2366. ● LOW-INCOME HOUSING CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide low-income housing credit rules.

Timetable:

Action	Date	FR Cite
Temporary regulations	05/00/87	

Small Entity: Not Applicable

Additional Information: LR-82-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Mitchell Rapaport (202) 566-3294.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.,N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ64

2367. INCOME TAX—CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 30 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	06/20/88	

Small Entity: Not Applicable

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA07

2368. INCOME TAX—THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	44 FR 05910
Hearing	06/27/79	
Final Action	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-73-75.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Suzanne McDowell (202) 566-5453.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AA13

2369. INCOME TAX—TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 38 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51874
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-92-73.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA10

2370. INCOME TAX—INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
NPRM	06/28/85	50 FR 26794
NPRM Comment Period End	08/27/85	
Hearing	11/15/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-238-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA12

2371. INCOME TAX—SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(l) Internal Revenue Code of 1986; PL 96-223, Sec 223(c)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-176-80.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA26

2372. ● INCOME TAX--AMENDMENT OF [1.48-9 (C)(10),(D),&(E) TO PARTIALLY REMOVE THE LIMITATION ON THE BUSINESS ENERGY CREDIT FOR EQUIPMENT THAT USES ENERGY FROM BOTH A QUALIFIED AND A NONQUALIFIED SOURCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These proposed regulations will amend [1 48-9 (c) (10) (d), & (e)

relating to the business energy investment credit ("business energy credit") for solar, wind, and geothermal energy property in order to allow certain equipment that uses solar, wind, or geothermal energy ("qualified energy") and other kinds of energy ("non-qualified energy") to be eligible for the business energy credit to the extent of its basis or cost allocable to its annual use of qualified energy so long as the use of non-qualified energy input of the equipment in any calendar year.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44315
NPRM Comment Period End	02/09/87	51 FR 44315
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-160-83

Drafting attorney: Sandra Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AI97

2373. INCOME TAX—DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	47 FR 24142
Final Action	10/31/88	

Small Entity: Not Applicable

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA22

2374. INCOME TAX—NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	43 FR 4638
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AA35

2375. ● INCOME TAX—TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide guidance on the taxation and valuation of fringe benefits. The regulations will also address the requirements for certain fringe benefit exclusions, including nondiscrimination and line of business restrictions.

Timetable:

Action	Date	FR Cite
Hearing	04/16/85	50 FR 7072
NPRM Comment Period End	02/21/86	50 FR 52333
Hearing	03/03/86	51 FR 2898
Hearing	04/29/86	51 FR 8517
NPRM	12/23/86	50 FR 52333
Interim Final Rule	12/23/86	50 FR 52281
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: LR-216-84

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3238**

RIN: 1545-AH73

2376. ● 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary regulation	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-96-86.

Drafting attorney: Beverly A. Baughman(202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Charles M. Whedbee (202) 566-3458.

Susan T. Baker (202) 566-3294.

Treasury attorney: Blake Rubin (202) 566-2927.

Don Rocap (202) 566-8278.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave.,N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ48

2377. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34451
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-153-84.

Drafting attorney: Lauren G. Shaw (202) 566-3287.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Lauren G. Shaw, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI49

2378. ● INCOME TAX REGULATIONS—MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101(d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will prescribe mortality tables to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
Temporary regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-134-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AK15

2379. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(b)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 103 (b) (4) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Public Hearing	01/30/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA49

2380. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Public hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-59-74.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Stern.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3590**

RIN: 1545-AA56

2381. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA63

2382. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(j) Internal Revenue Code of 1986; 26 USC 163(f) Internal Revenue Code of 1986; 26 USC 312(m) Internal Revenue Code of 1986; 26 USC 1287(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51413
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Tom Wessel (202) 535-6963.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

2383. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	12/15/87	

Small Entity: Not Applicable

Additional Information: LR-221-82.

Drafting attorney: John M. Coulter, Jr. (202) 566-4473.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: James Lokey (202) 566-5453.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4473**

RIN: 1545-AE24

2384. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC (b)(15) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These

regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Public hearing	06/04/86	51 FR 6273
Final Action Effective	08/23/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-157-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH19

2385. ● INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3459

RIN: 1545-AK10

2386. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None.

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Public Hearing	02/10/86	51 FR 1392
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-269-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH68

2387. AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(c)(6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-15AT

Legal Deadline: None.

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	50 FR 00837
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-192-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: Gerald Rock (202) 566-3238.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH07

2388. TO PROVIDE REGULATIONS RELATING TO THE STATE VOLUME CAP ON PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (n) Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-1T; 26 CFR 1.103-2T; 26 CFR 1.103-3T; 26 CFR 1.103-4T; 26 CFR 1.103-5T; 26 CFR 1.103-6T

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the limitation on the aggregate amount of private activity bonds. The regulations will define the terms private activity bond and state ceiling. The regulations will also provide rules for carrying forward any unused private activity bond limit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	49 FR 39344
Public hearing held	04/22/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-144-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AH62

2389. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 120 Internal Revenue Code of 1986; 26 USC 501(c)(20) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	45 FR 28360
Hearing 09/04/80	07/25/80	45 FR 49596
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD62

2390. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	04/11/85	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD63

2391. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50608
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-222-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA73

2392. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing held	06/25/85	
Final Action	12/00/87	

Small Entity: No

Additional Information: LR-83-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Tax Legislative Counsel attorney: Jeff Quinn (202) 566-2175.

TREAS—IRS **Final Rule Stage**

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF52

2393. ● GENERAL ARBITRAGE RESTRICTIONS OF TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to the arbitrage restrictions on tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-90-86

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294 and Gerald Rock (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Richard G. Blumenreich, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ81

2394. ● INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Temporary Regulations	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-145-86

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: Mitchell Rapaport (202) 566-3294.

Treasury attorney: Elliott Stern (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ62

2395. ● CONTINUATION COVERAGE REQUIREMENT OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106(b) Internal Revenue Code of 1986; 26 USC 162(i)(2) Internal Revenue Code of 1986; 26 USC 162(k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/87	

Small Entity: Not Applicable

Additional Information: EE-144-86

Drafting Attorney: Mark Schwimmer (202) 566-6212.

Reviewing Attorney: Michael Thrasher (202) 566-6212.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Cross Reference to EE-143-86.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AI94

2396. ● INCOME TAX REGULATIONS—LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
Temporary regulations	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-136-86

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John Fischer (202) 566-3394.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AK16

2397. INCOME TAX REGULATIONS—TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Public hearing held	11/29/84	

Action	Date	FR Cite
Final Action	01/00/88	

Small Entity: Not Applicable

Additional Information: LR-147-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AG57

2398. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1250 Internal Revenue Code of 1986; 26 USC 57(a)(12) Internal Revenue Code of 1986; 26 USC 312(k) Internal Revenue Code of 1986; 26 USC 172(b) Internal Revenue Code of 1986; 26 USC 812(b) Internal Revenue Code of 1986; 26 USC 46(b) Internal Revenue Code of 1986; 26 USC 53(c) Internal Revenue Code of 1986; 26 USC 381(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AA87

2399. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These proposed regulations will provide rules relating to tax-exempt entity leasing and tax-exempt use property under section 168 (j) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-31-85.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John Tolleris (202) 566-3459.

Treasury attorney: Blake Rubin (202) 566-4902.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AH76

2400. DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170(a) (1) Internal Revenue Code of 1986; 26 USC 6050L Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	49 FR 50740
Public hearing held	06/28/85	
Final Action	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: A.L. Spitzer (202) 535-6968.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG86

TREAS—IRS **Final Rule Stage**

2401. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	12/00/87	

Small Entity: No

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

2402. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404(h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD59

2403. REGULATIONS UNDER SECTION 267 OF THE CODE TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 Internal Revenue Code of 1986; 26 USC 706 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-183-84.

Drafting attorneys: Keith E. Stanley (202) 566-3458, John G. Schmalz and Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Mark B. Blumkin (202) 566-3463.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Keith E. Stanley, John G. Schmalz, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG11

2404. INCOME TAX—PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-188-82.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF11

2405. INCOME TAX–DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	47 FR 56367
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-252-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of: Tax Legislative Counsel (Treasury)

Reviewing Attorney: Roberts.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB06

2406. ● INCOME TAX–SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action Effective	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-140-86.

Drafting Attorney: Michel A. Daze (202) 566-6456.

Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-6456

RIN: 1545-AJ40

2407. INCOME TAX–DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-76.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Sharon Galm (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Quinn (202) 566-2175.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB09

2408. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property."

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Second Hearing held	03/04/86	51 FR 2898
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-145-84.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Sharon Galm (202) 566-3930.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AG99

2409. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-26-83.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF38

2410. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	
Final Action	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-218-83.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia W. Pellervo, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF93

2411. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 338

Legal Deadline: None.

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5208
NPRM Comment Period End	04/14/86	51 FR 5208
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-35-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, **202 566-3458**

RIN: 1545-AG13

2412. QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16430

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR 33-85.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH88

TREAS—IRS

Final Rule Stage

2413. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entity: Undetermined

Additional Information: LR-8-86.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

TLC Attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AI53

2414. ● INCOME TAX--APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how the installment sale method will be applied to a stock acquisition in which a section 338 (h) (10) election is made.

Timetable:

Action	Date	FR Cite
Temporary regulation	09/30/87	

Small Entity: Not Applicable

Additional Information: LR-76-86

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorneys: Patricia W. Pellervo (202) 566-3458 and Charles M. Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AJ07

2415. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: LR-191-82.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF29

2416. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	42 FR 3866

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: LR-936.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB20

2417. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	46 FR 112
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-993-71.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Andrew B. Pullman (202) 566-3458.

Office of Tax Legislative Counse (Treasury) reviewing attorney: Evans.

TREAS—IRS **Final Rule Stage**

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB21

2418. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognitions provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the section conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
Temporary Regulations	05/16/86	51 FR 17936
Hearing	12/01/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL-40-86.

Drafting attorney: Steven Lipschutz (202) 566-3319.

Reviewing attorney: Graham Clark (202) 566-3160.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Amendments to LR-150-84 (INTL-40-86) will be made by INTL-765-86.

Agency Contact: Steven Lipschutz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AG68

2419. INCOME TAX--TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 24 CFR 0820; 13 CFR 6787; 05 CFR 0314; 22 CFR 3456

Legal Deadline: None. As an alternative to a no-rule position on this issue, the Service could publish a revenue procedure that contains the termsn and conditions of a plan that must be.

Abstract: If they want to ask questions now, there is very little I can say, but I will return the calls within two days (due to the

number of calls coming in I cannot return calls immediately and lines.

If you insert in the middles of the line, you must retype all lines that follow unless the line itself had space to include the insert.

For instance, you could insert the word "the" after "all" in the first sentence of the third paragraph because there were four empty spaces. You could not insert the work airplane; there were not enough spaces, and you would have to retype all the following lines.

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	42 FR 65152
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: INTL - 76-86

Drafting attorney: Richard Chewning (202 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel (Treasury) reviewing attorneys: Unassigned.

Office of Chief Counsel (INTL) for preparation of Treasury decision.

Affected Sectors: Multiple

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AB26

2420. ● FOREIGN LIQUIDATIONS AND REORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 7

Legal Deadline: None.

Abstract: Temporary regulations would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulations	04/01/87	

Small Entity: Not Applicable

Additional Information: INTL-991-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Bernard Bress (202) 566-6440

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AJ76

2421. INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a

transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/87	

Small Entity: Not Applicable

Additional Information: INTL-76-86.

Drafting attorney: Marnie Carro (202) 566-3494

Reviewing attorney: Bernard Bress (202) 566-6440.

Office of International Tax Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3494**

RIN: 1545-AI32

2422. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368(a)(2)(F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-135-76.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB31

2423. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5c

Legal Deadline: None.

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-230-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AB28

2424. ● INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 383 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain and illustrate the limitations provided under sections 382-3 of the Internal Revenue Code of 1986 on a corporation's use of certain carryovers, including the net operating loss carryover, and certain credit carryovers.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-105-86

Drafting attorneys: John Broadbent, Keith Stanley, and Thomas J. Kane (202) 566-3458.

Reviewing attorney: Charles Whedbee (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Stanley, John Broadbent, & Thomas Kane, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ08

2425. NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None.

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-85.

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury,

TREAS—IRS **Final Rule Stage**

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3903**

RIN: 1545-AH80

2426. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD68

2427. CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(k) Internal Revenue Code of 1986; 26 USC 402(a)(8) Internal Revenue Code of 1986; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period End	02/15/82	47 FR 00988
Notice of Hearing	02/24/82	47 FR 08028
Hearing	04/20/82	
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: EE-169-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD72

2428. INCOME TAX--TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 402(a)(2) Internal Revenue Code of 1986; 26 USC 402(e) Internal Revenue Code of 1986; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1986; 26 USC 411(d)(1) Internal Revenue Code of 1986; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
Corrected NPRM	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	40 FR 18798
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
NPRM - Additional	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD73

2429. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-14-81.

Drafting attorney: Nerman D. Hubbard (202) 566-3430.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of International Tax Counsel (Treasury) reviewing attorney: Joseph L. Andrus (202) 566-5992.

Agency Contact: Nerman D. Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD81

2430. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-65-83.

Drafting attorney: Michael Garvey (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AF83

2431. RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Legal Deadline: None.

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-3-85

Drafting attorney: Nancy J. Marks (202) 566-3903.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3903

RIN: 1545-AH01

2432. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411(d)(1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD83

2433. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986; 26 USC 413(b) Internal Revenue Code of 1986; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

TREAS—IRS **Final Rule Stage**

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD84

2434. INCOME TAX–DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(b) Internal Revenue Code of 1986; 26 USC 414(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	40 FR 51467
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-209-74.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Conaway.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6456**

RIN: 1545-AB35

2435. INCOME TAX–EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414(m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	
Final Action	06/30/87	

Small Entity: Not Applicable

Additional Information: EE-3-81.

Drafting attorney: Michael Garvey (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Michael Garvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD90

2436. INCOME TAX–CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by an employer will not be a taxable event. At the time such option is exercised by the employee no amount of the spread between the fair market value of the stock at exercise and the option price will be included in the employee's gross income. When the stock acquired through the exercise of the option is sold, the entire gain will be treated as capital gain and not ordinary income if certain holding period and employment relationship requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	49 FR 4504
Public Hearing Held	06/21/84	49 FR 17040
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-279-81.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB36

2437. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-121-85.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans (202) 566-4902.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI19

2438. INCOME TAX–GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	12/31/87	

Small Entity: Yes

Additional Information: LR-173-80.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB42

2439. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-184-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB43

2440. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-80.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB44

2441. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-146-81.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB47

2442. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	
NPRM Comment Period End	09/26/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-141-83.

Drafting attorney: Paulette C. Galanko (202) 566-3288.

Reviewing attorney: C. Scott McLeod (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin (202) 566-2927.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF71

2443. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-195-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB48

2444. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-144-76.

Drafting attorney: Ewan D. Purkiss (202) 566-3238.

Reviewing attorney: Cynthia C. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evans.

Agency Contact: Ewan D. Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB51

2445. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; Section 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-168-76.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB52

2446. AGGREGATION OF CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-155-85.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Tom Wessel (202) 566-4979.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AI41

2447. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-292-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG81

2448. INCOME TAX REGULATIONS -- SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 468A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the Federal income tax treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted, and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25070
NPRM Comment Period End	09/08/86	51 FR 25070
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR 18-85.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI01

2449. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING; VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-254-81.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: J. Richard Harvey (202) 566-4902.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB55

2450. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(c)(12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: EE-17-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett, McCarty.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD99

2451. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-152-79.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB66

2452. INCOME TAX—SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613(A) Internal Revenue Code of 1986; 26 USC 703(a) Internal Revenue Code of 1986; 26 USC 705(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB73

2453. INCOME TAX—TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A(c)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	07/31/88	

Small Entity: Not Applicable

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB74

2454. ● TAXABLE YEARS OF CERTAIN PARTNERSHIPS (TEMPORARY)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The project provides temporary regulations with respect to the taxable year of certain partnerships.

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-100-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury reviewer: J. Richard Harvey (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ46

2455. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32664
NPRM Comment Period End	11/14/86	51 FR 32664
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-295-84.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8278.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG79

2456. TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 818(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves

under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	11/08/83	48 FR 51331
NPRM Comment Period End	01/09/84	48 FR 51331
Final Action	04/15/87	

Small Entity: Not Applicable

Additional Information: LR-276-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF03

2457. INCOME TAX—TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986; 26 USC 820 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	47 FR 11882
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-81.

Drafting attorney: Alice Bennett (202)566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB86

2458. INCOME TAX—ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986; 26 USC 1442 Internal Revenue Code of 1986; 26 USC 3401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	41 FR 28517
Hearing	11/18/76	
Final Action	06/30/87	

Small Entity: Not Applicable

Additional Information: INTL-237-86

Drafting attorney: Theresa E. Bearman (202) 566-3407.

Reviewing attorney: Robert A. Katcher (202) 566-3407.

Office of International Tax Counsel (Treasury) reviewing attorneys:

Agency Contact: Theresa E. Bearman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3407

RIN: 1545-AB93

2459. ● BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND SECOND LEVEL WITHHOLDING TAXES (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/87	

Small Entity: Undetermined

Additional Information: INTL-979-86

Drafting Attorney: Richard M. Elliott (202) 566-6457

Reviewing Attorney: Benedetta A. Kissel (202) 566-3179

Treasury Attorney: Peter Daub (202) 566-5791

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545-AJ77

2460. INCOME TAX—RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 904(f) Internal Revenue Code of 1986; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	01/24/86	51 FR 3193
Hearing	06/05/86	51 FR 11323
Final Action	05/31/87	

Small Entity: Not Applicable

Additional Information: INTL-47-86

Drafting attorney: Carolyn M. DuPuy (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Carolyn M. DuPuy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC05

2461. INCOME TAX--TEMPORARY REGULATIONS--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

Legal Deadline: None.

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/87	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: INTL - 61-86

Drafting attorney: Gerard Traficanti (202) 566-6384.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay

Draft of the Treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Gerarl Traficanti, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, 202 566-6384

RIN: 1545-AC09

2462. ● STATUTE OF LIMITATIONS - NATIONALIZED COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would define FOGEI and FORI.

Timetable:

Action	Date	FR Cite
Final Action	09/01/87	

Small Entity: Not Applicable

Additional Information: INTL-59-86

Drafting Attorney: Richard Chewning (202) 566-3490

Reviewing Attorney: Charles Saverude (202) 566-9050

Office of International Tax Counsel Reviewing Attorney: Steve Shay (202) 566-5046

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AJ75

2463. FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 921 Internal Revenue Code of 1986; 26 USC 922 Internal Revenue Code of 1986; 29 USC 927 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or small FSC) and tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of elections and terminating FSC status, and the definition of and computation of carrying charges on sales of property by an FSC.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48322
NPRM Comment Period End	02/11/85	49 FR 48322
Hearing held	05/13/85	
Final Action	04/01/87	

Small Entity: Not Applicable

Additional Information: INTL-46-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney: D. Crowe (202) 566-8275.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AG67

2464. TEMPORARY REGULATIONS RELATING TO FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED DEDUCTION AND OTHER SPECIAL RULES FOR FSCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925(b)(1) Internal Revenue Code of 1986; 26 USC 925(b)(2) Internal Revenue Code of 1986; 26 USC 927(d)(2) (B) Internal Revenue Code of 1986; 26 USC 927(e)(1) and (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide temporary rules for application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and other special FSC Provisions.

Timetable:

Action	Date	FR Cite
Temporary regulation	04/01/87	

Small Entity: Not Applicable

Additional Information: INTL - 154-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Office of International Tax Counsel reviewing attorney: D. Crowe (202) 566-8275.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545-AI17

2465. TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 103A Internal Revenue Code of 1986

CFR Citation: 26 CFR 6a.103A-3

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the additional requirements enacted to restrict the issuance of qualified veterans' mortgage bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
NPRM Comment Period End	02/12/85	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AI36

2466. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-182-78.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC20

2467. ● INCOME TAX—SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain information reporting requirements.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-118-86.

Drafting attorney: Judith C. Winkler (202) 566-3458.

Reviewing attorney: Patricia Pellervo (202) 566-3458.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AJ03

2468. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092(b) (1) Internal Revenue Code of 1986; 26 USC 1092(b) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Public hearing held	05/02/85	
Final Action	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-299-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Suzanne McDowell (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH59

2469. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to tax straddles.

The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Public hearing held	05/02/85	
Final Action	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-297-84.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AH60

2470. INCOME TAX—GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; Tax Reform Act of 1976, Section 705; Tax Reform Act of 1976, Section 1901; Energy Tax Act of 1978, Section 402

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-276-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC35

2471. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
Temporary Regulations	07/00/88	

Small Entity: Not Applicable

Additional Information: LR-10-86.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3287**

RIN: 1545-AI72

2472. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computer based, on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	01/00/88	

Small Entity: Not Applicable

Additional Information: LR-189-84.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH46

2473. INCOME TAX—CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1378 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	48 FR 03637
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1-83.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Collins.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF30

2474. ● APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-153-86

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G.Schmalz (202) 566-3297.

Treasury attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3297**

RIN: 1545-AJ82

2475. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: PL 97-248, Sec 342; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: INTL-41-86

Drafting attorney: Lilo A. Hester (202) 566-5862.

Reviewing attorney: Michael F. Patton (202) 566-5862.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Lilo Alfreida Hester, Attorney, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Suite 3319, Washington, DC 20024, **202 287-4851**

RIN: 1545-AH86

2476. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: LR-15-86.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan (202) 566-4902.

Agency Contact: John Broadbent, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3458**

RIN: 1545-AI58

2477. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	49 FR 30528
Hearing held	12/10/84	
Final Action	12/31/87	

Small Entity: No

Additional Information: LR-97-79.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC48

2478. INCOME TAX--TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1563(a)(2) Internal Revenue Code of 1986; 26 USC 52 Internal Revenue Code of 1986; 26 USC 414(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52081
NPRM Comment Period End	01/16/84	48 FR 52081
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-35-82.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Rocap.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AC59

2479. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None.

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	09/00/87	

Small Entity: Not Applicable

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC63

2480. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None.

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-211-76.

Drafting attorney: Christopher J. Wilson (202) 566-4336.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Scherbel.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC67

2481. ● CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
Temporary regulations	03/31/87	

Small Entity: Not Applicable

Additional Information: LR-129-86

Drafting attorney: Paulette C. Galanko (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AI95

2482. ● ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 2601; 26 CFR 2612; 26 CFR 2613; 26 CFR 2642; 26 CFR 2653; 26 CFR 2662

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	02/27/87	
Final Action	06/27/87	

Small Entity: Not Applicable

Additional Information:

LR-128-86.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AJ11

2483. ● ESTATE TAX—GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 (b) Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 2601; 26 CFR 2612; 26 CFR 2613; 26 CFR 2642; 26 CFR 2653; 26 CFR 2662

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information:

LR-127-86.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AJ12

2484. EMPLOYMENT TAX—TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-23-82.

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AC77

2485. ● SUBMISSION OF CERTAIN WITHHOLDING EXEMPTION CERTIFICATES AND ENTITLEMENTS TO ADDITIONAL WITHHOLDING EXEMPTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3402 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This document provides proposed regulations that relate to the submission of withholding exemption certificates when the total number of withholding exemptions claimed on a certificate exceed 10 and to the requirements that an employee must meet to be entitled to the additional withholding exemption in respect of the standard deduction.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	
NPRM	12/17/87	51 FR 45132

Small Entity: Not Applicable

Additional Information:

LR-144-80.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Treasury Attorney: Pat McClanahan (202) 566-2929.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ30

TREAS—IRS

Final Rule Stage

2486. TO PROVIDE TEMPORARY REGULATIONS RELATING TO BACKUP WITHHOLDING WHERE THE SERVICE NOTIFIES PAYOR TO WITHHOLD DUE TO AN INCORRECT TAXPAYER IDENTIFICATION NUMBER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None.

Abstract: These regulations will prescribe when withholding is required when the Internal Revenue Service notifies the payor of an incorrect taxpayer identification number. The regulations will also describe that no withholding is required if the payee, within 30 days of the Service's notification, certifies under penalties of perjury that the name and taxpayer identification number are correct. If no certification is received within 30 days, backup withholding applies until such certification is received.

Timetable:

Action	Date	FR Cite
Temporary regulation	07/01/87	

Small Entity: Not Applicable

Additional Information: LR-7-84.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC Attorney: Susan Himes (202) 535-6963.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AF90

2487. ● TEMPORARY REGULATIONS ON BACKUP WITHHOLDING IN CASE OF A NOTIFIED PAYEE UNDERREPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 (i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None.

Abstract: These temporary regulations will provide rules relating to when a payer of reportable interest and dividends must withheld on each payments, how to inform payees when they are subject to withholding, and how payees can correct the situation that subjected them to backup withholding.

Timetable:

Action	Date	FR Cite
Temporary regulation	02/00/87	
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-160-86.

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing Attorney: John M. Coulter (202) 566-4473.

Reviewing Attorney: Renay France (202) 566-3459.

Treasury Attorney: Richard D'Avino (202) 566-4979.

Treasury Attorney: Susan Himes (202) 566-8527.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3459**

RIN: 1545-AJ33

2488. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-214-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Treasury Attorney: Susan Scherbel (202) 566-4902.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE62

2489. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None.

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/88	

Small Entity: Not Applicable

Additional Information: LR-142-83.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0231**

RIN: 1545-AF79

2490. EXCISE TAX - CLARIFICATION OF SECTION 145, 4052-1 RELATING TO THE DEFINITION OF FIRST RETAIL SALE

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None.

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	

Small Entity: No

Additional Information: LR-1-86.

Drafting attorney: Maurice B. Foley (202) 343-0231.

Reviewing attorney: Ada Rousso (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 343-0231**

RIN: 1545-AI62

2491. MANUFACTURERS AND RETAILERS EXCISE TAXES--TAXES ON FUELS, TIRES AND GASOLINE

Legal Authority: 26 USC 4071 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6420 Internal Revenue Code of 1986; 26 USC 6427 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the rates of tax on certain fuels and gasohol. In addition, the regulations will provide guidance concerning the tax on tires.

Timetable:

Action	Date	FR Cite
NPRM	08/22/85	50 FR 33977
NPRM Comment Period End	10/21/85	
Hearing	01/14/86	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-119-83.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mo Schuldinger (202) 566-2928.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF58

2492. EXCISE TAX--ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None.

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	
Hearing See additional information	04/16/85	50 FR 7072
Final Action	12/00/87	

Small Entity: No

Additional Information: LR-18-86.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section 4977 regulations will be provided exclusively in this project.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3238**

RIN: 1545-AI63

2493. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4997 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	47 FR 50306
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC96

2494. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-225-81.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC94

2495. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4993 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	49 FR 35517
Hearing held	07/26/85	
Final Action	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD04

2496. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4992 Internal Revenue Code of 1986; 26 USC 4994 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	48 FR 2552
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-217-81.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD01

2497. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD08

2498. ELIMINATION OF FORM 941 FILING REQUIREMENT FOR QUARTERS IN WHICH SEASONAL EMPLOYERS PAY NO WAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: Regulations would direct the public to the instructions to Form 941 to find exceptions to the filing requirements of the form for seasonal and intermittent employers with respect to quarters in which no wages were paid.

Timetable:

Action	Date	FR Cite
Final Action	04/01/87	

Small Entity: Not Applicable

Additional Information: LR-57-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI56

2499. ● RETURNS REQUIRED ON MAGNETIC MEDIA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will clarify that the failure to file an information return on a machine-readable form when required to do so is treated as a failure to file the return and may result in the imposition of a failure to file penalty.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-162-86.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3288

RIN: 1545-AJ50

2500. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	06/01/87	

Small Entity: Not Applicable

Additional Information: LR-198-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE40

2501. ● NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These temporary regulations will provide rules relating to nominee reporting of partnership interest which such nominee hold s for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/87	

Small Entity: Not Applicable

Additional Information: LR-155-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Office of Tax Legislative Counsel Reviewing attorney: A. L. Spitzer (202) 535-6968.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AJ97

2502. INFORMATION REPORTING OF ALLOWANCES, OR REIMBURSEMENTS, OR CHARGES FOR TRAVEL AND OTHER EXPENSES OF PUBLIC SECTOR EMPLOYEES AND CERTAIN OTHER PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations would make clear that all employers, including the United States, a State, Territory or a political subdivision thereof, and the District of Columbia, are required to report amounts provided to persons in the military or civil service as allowances reimbursements, or charges for traveling and other business expenses, including an allowance for meals and lodging or a per diem allowance in lieu of subsistence, except to the extent that such persons are required to and do account to the employer for such expenses within the meaning of Sec. 1.162-17(b)(4).

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	51 FR 985
NPRM Comment Period End	03/10/86	51 FR 985
Final Action	12/01/87	

Small Entity: Not Applicable

Additional Information: LR-59-85.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Marjorie Roberts (202) 566-2561.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI42

2503. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Public hearing held	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-201-83.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3238.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG02

2504. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-62-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG52

2505. INCOME TAX--MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050H Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33551
NPRM Comment Period End	10/21/85	50 FR 33551
Hearing	01/07/86	50 FR 46674
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-214-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG93

2506. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-181-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG48

2507. EMPLOYEE TIP REPORTING AND SUBSTANTIATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations contain rules relating to employee tip reporting and recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 29990
NPRM Comment Period End	09/23/85	
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-162-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH24

2508. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-142-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG45

2509. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: The regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad repayment tax.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	
NPRM Comment Period End	01/05/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-13-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Scherbel (202) 535-6963.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI60

2510. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (TEMPORARY)

Legal Authority: 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: These temporary regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad unemployment repayment tax.

Timetable:

Action	Date	FR Cite
Temporary regulation	11/05/86	51 FR 49167
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-13-86.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Susan Scherbel (202) 535-6963.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI73

2511. INTEREST ON HOSPITAL INSURANCE TAXES ON WAGES OF STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6205 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None.

Abstract: This temporary regulation will permit interest-free adjustments for

underpayments of hospital insurance taxes with respect to wages of state and local government employees hired after March 31, 1986.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/01/87	

Small Entity: No

Additional Information: LR-47-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter Jr., (202) 566-4473.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AI45

2512. ● MISCELLANEOUS PROVISIONS RELATING TO THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The temporary regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-1-87

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3287.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3297

RIN: 1545-AJ88

2513. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-82.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Blake Rubin.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE51

2514. SPECIAL RULES FOR CERTAIN REFUND CLAIMS TREATED AS SPECIAL ENFORCEMENT AREAS UNDER RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c)(1) Internal Revenue Code of 1986; 26 USC 6231 (c)(3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301T

Legal Deadline: None.

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48573
NPRM Comment Period End	02/11/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-242-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: Gerald W. Rock (202) 566-3287.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH00

2515. ● INCOME TAX—DEPOSIT OF ESTIMATED INCOME TAX BY CERTAIN PRIVATE FOUNDATIONS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would provide guidance regarding deposits by certain private foundations and tax-exempt organizations of estimated income taxes. The Tax Reform Act of 1986

requires these organizations to make quarterly estimated tax payments.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46689
NPRM Comment Period End	01/23/87	51 FR 46689
Final Action	12/31/87	

Small Entity: Not Applicable

Additional Information: LR-132-86.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Spitzer.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3590

RIN: 1545-AJ43

2516. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
NPRM Comment Period End	11/30/85	50 FR 39713
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG95

2517. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	06/00/87	

Small Entity: Not Applicable

Additional Information: LR-280-82.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF10

2518. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-180-84.

Drafting attorney: Michael J. Grace (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG75

2519. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income

exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing held	06/26/84	
Final Action	07/01/87	

Small Entity: Not Applicable

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Marjorie Roberts (202) 566-2567.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AE37

2520. ● PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements.

Timetable:

Action	Date	FR Cite
Temporary regulation	03/01/87	

Small Entity: No

Additional Information: LR-141-86

Drafting Attorney: Renay France (202) 566-3459.

Reviewing Attorney: Sharon Galm (202) 566-3930.

Treasury Attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AJ26

2521. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	
Final Action	03/01/87	

Small Entity: Not Applicable

Additional Information: LR-3-85.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Andrew B. Pullman (202) 566-3458.

Office of International Tax Counsel reviewing attorney: Mark Perlis.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH91

2522. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1406.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AD42

2523. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AI21

2524. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-221-83.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel: Mark Perlis.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF77

2525. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-165-84.

Drafting attorney: Sharon L. Hall (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Marjorie Roberts

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545-AH72

2526. INCOME TAX—MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Legal Deadline: None.

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	41 FR 04280
Hearing	07/07/76	
Final Action	01/00/88	

Small Entity: Not Applicable

Additional Information: LR-149-75.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3458

RIN: 1545-AD46

2527. STATEMENT OF PROCEDURAL RULES—AMENDMENTS TO STATEMENT OF PROCEDURAL RULES—1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None.

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: Not Applicable

Additional Information: LR-154-81.

Paralegal Specialist: Carroll Field (202) 566-3935.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Carroll Field, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3935

RIN: 1545-AD55

DEPARTMENT OF THE TREASURY (TREAS)

Completed Actions

Internal Revenue Service (IRS)

2528. LIMITATION ON CREDITS BASED ON TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 26 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide for the grouping of tax credits and credit limitation based on tax liability. The current regulations concerning credits will be renumbered to conform to amendments made by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: LR-290-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH58

2529. GENERAL BUSINESS CREDIT AND CARRYFORWARD AND CARRYBACK OF UNUSED BUSINESS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 39 Internal Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the general business credit established in the Tax Reform Act of 1984. These regulations will also provide rules for the carryback and carry forward of unused business credits. The regulations will define the general business credit, set forth limitations on the amount of credit allowed for the taxable year and set forth treatment of credit amounts in excess of the limitation.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: LR-300-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH57

2530. ● TEMPORARY REGULATIONS RELATING TO VARIOUS ELECTIONS UNDER THE TAX REFORM ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 (f) (1) Internal Revenue Code of 1986; 26 USC 42 (g) (1) Internal Revenue Code of 1986; 26 USC 42 (i) (2) Internal Revenue Code of 1986; 26 USC 42 (j) (5) Internal Revenue Code of 1986; 26 USC 48 (b) (2) Internal Revenue Code of 1986; 26 USC 56 (f) (3) (B)Internal Revenue Code of 1986; 26 USC 83 (c) (3) Internal Revenue Code of 1986; 26 USC 141 (b) (9) Internal Revenue Code of 1986; 26 USC 142 (d) (1) Internal Revenue Code of 1986; 26 USC 142 (d) (4) (B) Internal Revenue Code of 1986; 26 USC 143 (k) (9) (D) (iii) Internal Revenue Code of 1986; 26 USC 145 (d) Internal Revenue Code of 1986; 26 USC 147 (b) (4) (A) Internal Revenue Code of 1986; 26 USC 165 (l) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: These regulations provide time and manner requirements for various elections with respect to which immediate interim guidance is necessary.

Timetable:

Action	Date	FR Cite
Temporary regulation	01/31/87	52 FR 03263

Small Entity: Yes

Additional Information: LR-77-86

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3297

RIN: 1545-AJ89

2531. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 41 Internal Revenue Code of 1954; 26 USC 404(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide guidance for electing the employee stock ownership credit based on contributions to a tax credit employee stock ownership plan. The maximum credit is determined as a percentage of aggregate compensation of employees under the plan which cannot exceed 0.5.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-151-81.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD56

2532. INCOME TAX--INVESTMENT CREDIT FOR COOPERATIVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; PL 95-600, Sec 316

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide guidance with respect to the investment

tax credit for cooperatives and their patrons.

Timetable:

Action	Date	FR Cite
NPRM	12/27/83	48 FR 56965
NPRM Comment Period End	02/27/84	48 FR 56965
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-4-78.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Sharon Galm (202) 566-9050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-4336

RIN: 1545-AA09

2533. INCOME TAX--AT RISK LIMITATIONS ON INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(c)(8) Internal Revenue Code of 1954; 26 USC 46(c)(9) Internal Revenue Code of 1954; 26 USC 47(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain and illustrate the application of the investment tax credit at risk rules under which (with certain exceptions) a taxpayer's credit base for section 38 property for purposes of calculating the amount of investment credit (for certain taxpayers engaged in certain activities) shall be reduced by the nonqualified nonrecourse financing with respect to such property.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-240-81.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3458

RIN: 1545-AA15

2534. INCOME TAX--CHANGES MADE BY SECS 222(A) AND 223(B) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 46(a) Internal Revenue Code of 1986; 26 USC 48(l)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposed regulations will reflect the repeal of the refundable feature of the solar and wind energy credits and the extension of the energy credit through 1990 for certain long-term energy projects.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-150-80.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-4336

RIN: 1545-AA14

2535. INCOME TAX--AMENDMENT OF RECAPTURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The investment tax credit recapture regulations will be updated to explain the recapture treatment for recovery property.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-315-81.

Drafting attorney: Patricia W. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia W. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3458

RIN: 1545-AA18

2536. CORPORATE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules for the computation of the "add on" corporate minimum tax. The regulations will also provide rules relating to those minimum tax preference items which are applicable to corporations.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-36-85.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret M. O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AI07

2537. INCOME TAX–TAX BENEFIT RULE FOR MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide tax benefit rules with respect to the minimum tax for tax preferences.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-151-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3287**

RIN: 1545–AA33

2538. INCOME TAX–TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 66 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining acceptable amounts of community earned income transferred between spouses living apart in community property states, which will not preclude the disregard of community property laws for federal tax purposes.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-41-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Paulette Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3288**

RIN: 1545–AA37

2539. INCOME TAX–UNISEX ANNUITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide unisex tables to be used in reporting payments received on annuity contracts. The unisex tables would replace the tables currently prescribed in the regulations. The current tables are different for men and women.

Timetable:

Action	Date	FR Cite
NPRM	03/24/86	51 FR 9978
NPRM Comment Period End	05/08/86	51 FR 9978
Hearing	05/21/86	51 FR 10024
Final Action	12/19/86	51 FR 45690

Small Entity: Not Applicable

Additional Information: LR-19-80.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 **566-3238**

RIN: 1545–AA38

2540. INCOME TAX–CLARIFICATION OF THE INCOME TAX REGULATIONS WITH RESPECT TO THE TAXATION OF DISTRIBUTION FROM QUALIFIED PLANS PROVIDING LIFE INSURANCE PROTECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would simplify income tax treatment of amounts distributed from qualified employee plans that provide life insurance.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-44-80.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AD60

2541. INCOME TAX–CERTAIN DISTRIBUTIONS, CONTRIBUTIONS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(o) Internal Revenue Code of 1954; 26 USC 72(m) Internal Revenue Code of 1954; 26 USC 405(d)(3) Internal Revenue Code of 1954; 26 USC 401(d)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulation will provide taxpayers with guidance regarding income tax treatment of distributions of qualified voluntary employee contributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/86	

Small Entity: Not Applicable

Additional Information: EE-149-81.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD61

2542. INCOME TAX--GROUP TERM LIFE INSURANCE--EVIDENCE OF INSURABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will provide guidance in determining whether term life-insurance is group-term life insurance within the meaning of section 79 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44343
NPRM Comment Period End	12/06/82	47 FR 44343
Hearing	01/19/83	47 FR 53745
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-42-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3238**

RIN: 1545-AA39

2543. REGULATIONS ON INCOME TAX UNDER THE SOCIAL SECURITY AMENDMENTS ACT OF 1983 RELATING TO THE TAXATION OF SOCIAL SECURITY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 86 Internal Revenue Code of 1986; 26 USC 6050F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules relating to the taxation of social security benefits. The regulations explain the calculation for determining the amount of social security benefits includible in the gross income of the recipient of the benefits. The regulations also provide rules for information reporting with respect to the benefit payments which require the furnishing of the amount of social security benefits paid to and repaid by the recipient along with the name, address, and taxpayer identification number of the recipient.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-81-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG29

2544. INCOME TAX--INDUSTRIAL DEVELOPMENT BONDS FOR VEHICLES USED FOR MASS COMMUTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 811

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would define a qualified mass commuting vehicle for purposes of issuance of tax-exempt bonds. A qualified mass commuting vehicle is a bus, subway car or similar equipment that is leased to a mass transit system wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/81	46 FR 63326
NPRM Comment Period End	03/03/82	46 FR 63326
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-192-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3294**

RIN: 1545-AA43

2545. INCOME TAX--TO AMEND THE REGULATIONS UNDER SECTIONS 1.103-13 AND 1.103-14 WITH RESPECT TO THE CALCULATIONS OF "OVERISSUANCE" AND "CUMULATIVE CASH FLOW DEFICIT"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would clarify rules relating to the proper method for determining whether the amount of tax-exempt obligations exceeds the amount necessary for the governmental purpose for which the proceeds of the obligations are to be used.

Timetable:

Action	Date	FR Cite
Hearing	06/08/83	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: No

Additional Information: LR-82-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, **202 566-3294**

RIN: 1545-AA44

2546. INCOME TAX—TO AMEND THE REGULATIONS RELATING TO THE TREATMENT OF REPLACEMENT FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations relating to whether amounts are replaced by the proceeds of such obligations. As such, such amounts will be treated as proceeds of such obligation and would be required to be invested at less than a materially higher yield. If such amounts are not invested at less than a materially higher yield than the yield on the obligations then the obligations would be arbitrage bonds.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: No

Additional Information: LR-99-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: Gerald Rock (202) 566-3238.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3294

RIN: 1545-AA46

2547. INCOME TAX—TO PROVIDE FOR THE TAX CONSEQUENCES OF REFUNDING INDUSTRIAL DEVELOPMENT BONDS TO THE ISSUER, BOND-HOLDER & INDUSTRIAL USER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide that advance refunding issues defined as those refunding issues issued more than 180 days before the redemption of the issue to be refunded may be exempt issues if issued to refund qualified public facilities. A definition of qualified public facilities is provided. Special rules for multipurpose issues are also provided.

Timetable:

Action	Date	FR Cite
Previous Notice	12/06/77	42 FR 61613
Hearing	03/15/78	
Previous Notice	02/06/79	44 FR 7177
NPRM	12/31/86	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-70-77.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3294

RIN: 1545-AA47

2548. INCOME TAX—TO CLARIFY THE "SUBSTANTIALLY ALL" TEST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance in determining the amount of proceeds of an issue of industrial development bonds. Generally such bonds are exempt only if substantially all of the issue proceeds are used for a purpose designated in 26 USC 103 (b).

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-182-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3294

RIN: 1545-AA50

2549. INCOME TAX—TO CLARIFY THE "PUBLIC USE" AND "FUNCTIONALLY RELATED" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The amendments to the regulations would provide additional rules to determine under what circumstances property is treated as functionally related and subordinate to an exempt facility, such as a dock or wharf, and, therefore financeable with tax-exempt industrial development bonds. Furthermore, the regulations would examine the public use requirement which generally restricts tax-exempt financing to exempt facilities used by the general public.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-51-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3294

RIN: 1545-AA51

2550. INCOME TAX—TO CLARIFY THE DEFINITION OF THE TERM "ISSUE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds relating to whether multiple lots of obligations will be treated as part of the same issue under section 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	10/08/81	46 FR 50014
Hearing	11/12/81	
NPRM Comment Period End	01/06/82	46 FR 50014
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-264-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter,Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3459

RIN: 1545-AA54

2551. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA58

2552. INCOME TAX--TO DEFINE THE TERM "FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would clarify meaning of term "FACILITY" for purposes of exempt small issues of industrial development bonds. This will affect whether something could qualify for the small issue exemption from the definition of industrial development bonds.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-227-80.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA60

2553. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY THAT IS A SOLID WASTE DISPOSAL FACILITY & TO CONFORM TO STATUTORY EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFIED STEAM GENERATING ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103(b) Internal Revenue Code of 1986; 26 USC 103(g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules to determine whether property is a sewage or solid waste disposal facility or a facility for the local furnishing of electric energy or gas. Qualifying property may be financed with tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-100-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA64

2554. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(10) RELATING TO LOCAL DISTRICT HEATING AND COOLING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to issuers, purchasers and users of industrial development bonds substantially all of the proceeds of which are to be used to provide local district heating and cooling. As such, the regulations will provide guidance with respect to which parts of heating and cooling facilities may be financed with the proceeds of such bonds.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-219-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Elliott Stern (202) 535-6968.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE22

2555. INTEREST EXEMPT OTHER THAN UNDER THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal would describe the application of new Code section 103 (m) to interest earned on obligations which are exempt from taxation under Federal laws outside the Internal Revenue Code. Section 103 (m) broadens the types of obligations described in section 103 (a) to include obligations on which the interest is tax-exempt under provisions of Federal law outside of the Code. Section 103 (m) provides that interest on obligations described in section 103 (m) is considered to be interest described in section 103 (a) for all purposes of the Code.

Timetable:

Action	Date	FR Cite
closed without regulations	12/31/86	
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-34-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF49

2556. TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (6) (0) RELATING TO RESTRICTIONS ON FINANCING CERTAIN FACILITIES WITH EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed regulations would define the types of projects which may not be financed with the proceeds of tax-exempt obligations. The amendments will conform the regulations to changes made in section 103 (b) (6) by section 214 (e), Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
closed without regulations	12/31/86	
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-84-83.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Schuldinger.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AF53

2557. ARBITRAGE: TREATMENT OF ISSUE PRICE AND ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None.

Abstract: This regulation would provide guidance to issuers of municipal bonds as to the proper treatment of administrative costs and determination of issue price. This regulation would replace the existing regulation which was invalidated by the D.C. Circuit Court of Appeals.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-32-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: Gerald Rock (202) 566-3238.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF75

2558. TEMPORARY REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR IT

Legal Deadline: None.

Abstract: These regulations will provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-155-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH20

2559. INCOME TAX REGULATIONS--TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (16) AND (17) RELATING TO ACQUISITION OF LAND AND EXISTING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the prohibition on use of more than 25 percent of the proceeds to acquire land and the exception for first time farmers. The regulations will also provide rules on the prohibition on use of proceeds to acquire existing property and the exception for rehabilitations.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-219-84.

Drafting attorney: Richard G. Blumenreich (202) 566-3459.

Reviewing attorney: Mitchell H. Rapaport (202) 566-3294.

Treasury attorney: James Lokey (202) 566-5453.

Agency Contact: Richard G. Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AH45

2560. TO REVISE THE ARBITRAGE REGULATIONS RELATING TO THE TEMPORARY PERIOD FOR REFUNDING ISSUES

Legal Authority: 26 USC 103(c) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will consider whether to amend the arbitrage regulations under section 103(c) relating to the temporary period for refunding issues.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-60-85.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: Gerald Rock (202) 566-3238.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH89

2561. TO PROVIDE REGULATIONS UNDER SECTION 103 (N) RELATING TO CARRYFORWARD ELECTIONS AND ELECTION TO ALLOCATE STATE CEILING TO FACILITIES FOR LOCAL FURNISHING OF ELECTRICITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103 (n)-6; 26 CFR 1.103 (n)-7

Legal Deadline: None.

Abstract: The regulations will clarify the rules relating to carryforward of unused private activity bond limit and extend the deadline for making such elections. The regulations will also provide rules relating to the election to allocate state ceiling to certain facilities for local furnishing of electricity.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-304-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AG91

2562. INCOME TAX--CHANGES IN EXCLUSION FOR SICK PAY & CERTAIN MILITARY, ETCETERA, DISABILITY PENSIONS; CERTAIN DISABILITY INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 104(a) Internal Revenue Code of 1954; 26 USC 104(b) Internal Revenue Code of 1954; 26 USC 22 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would relate to annuities, unemployment compensation, compensation for injuries or sickness, amount received under accident or health plans, and contributions by employees to accident and health plans. Exclusions from income would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46082
NPRM Comment Period End	09/08/80	45 FR 46082
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-159-78.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3297

RIN: 1545-AA66

2563. INCOME TAX--DEPENDENT CARE ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 129 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: Internal Revenue Code section 129 excludes from an employee's gross income amounts paid or expenses incurred by an employer for dependent care assistance provided to an employee pursuant to a qualified program. Payments or benefits excluded

under this section are not wages and consequently are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Act and are not subject to withholding. The regulation sets forth plan requirements and related rules.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/15/86	

Small Entity: Not Applicable

Additional Information: EE-147-81.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD65

2564. INTEREST ON ESOP SECURITIES ACQUISITION LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 133 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the treatment of interest on ESOP securities acquisition loans.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-73-84.

Drafting Attorney: John T. Ricotta (202) 566-3544.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG46

2565. INCOME TAX—EMPL. TAX—DEDUCTIBILITY OF CERTAIN TRANSPORTATION EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 262 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 3401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: The regulations would provide guidelines for determining when a taxpayer may deduct some transportation expenses incurred in traveling between his home and some places of work.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-173-77.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA76

2566. INCOME TAX—TO ADD PROVISIONS RELATING TO STATE LEGISLATORS' TRAVEL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to state legislators who elect to deduct a set per diem in lieu of having to substantiate their actual travel expenses arising from their trade or business as a state legislator.

Timetable:

Action	Date	FR Cite
NPRM	08/09/83	48 FR 36137
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-5-82.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA78

2567. DENIAL OF DEDUCTION FOR EMPLOYER CONTRIBUTION TO HEALTH PLAN UNLESS HEALTH PLAN MEETS CERTAIN CONTINUATION COVERAGE REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Temporary regulations would provide that deductions by certain employers for expenses incurred towards group health plans for employees will be denied unless all group health plans of the employer meet certain continuation coverage requirements.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-45-86.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AI74

2568. INCOME TAX--LIMITATION ON INTEREST DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the deductibility of interest on indebtedness incurred to purchase or carry investment property.

Timetable:

Action	Date	FR Cite
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-1639.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA80

2569. SANCTIONS ON ISSUERS AND HOLDERS OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The temporary regulations provide rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form, which is otherwise a registration required obligation because the issuer satisfies the conditions set forth in section 163 (f) (2) (B). In addition, the temporary regulations provide rules which define the circumstances under which a United States person may hold a registration-required obligation in bearer form.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/22/84	
Hearing held	01/28/85	49 FR 47870
NPRM	08/20/85	50 FR 33552
NPRM Comment Period End	10/21/85	50 FR 33552
Final Action	12/19/86	51 FR 45453

Small Entity: No

Additional Information: INTL-50-860.

Drafting attorney: Carl Cooper (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: Carl Cooper, Attorney, Office of Chief Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3388

RIN: 1545-AF63

2570. INCOME TAX--RELATING TO TERMINAL RENTAL ADJUSTMENT CLAUSES IN CERTAIN MOTOR VEHICLE LEASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(f)(8) Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 210

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would provide rules for determining whether certain motor vehicle agreements which contain terminal rental adjustment clauses are conditional sales agreements or lease agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52729
NPRM Comment Period End	01/24/83	
Hearing	02/10/83	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-187-82.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF32

2571. FINANCE LEASES--DEFINITION AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulations project would provide rules regarding what transaction would qualify as a finance lease, a new tax law concept enacted by the Tax Equity and Fiscal Responsibility Act of 1982. This project would also provide guidelines for determining whether a transaction characterized as a lease is really a lease for Federal tax purposes as opposed to a conditional sale or a financing arrangement.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: No

Additional Information: LR-90-83.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Treasury attorney: Blake Rubin (202) 566-2627.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AF54

2572. TO PROVIDE REGULATIONS UNDER SECTION 168 RELATING TO INTANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The project will clarify what type of property is "tangible" property subject to the allowance for depreciation under the accelerated cost recovery system.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-17-84.

Drafting attorney: Ada S. Rousso (202) 566-3287.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Ada S. Rousso, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF78

2573. INCOME TAX—AMORTIZATION OF CERTAIN POLLUTION CONTROL FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 169 Internal Revenue Code of 1954; Tax Reform Act of 1976 sec 2112

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide a definition of "Pollution Control Facility" for purposes of amortization. An eligible taxpayer would be permitted to amortize the basis of the pollution control facility over a period of five years.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-193-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA89

2574. INCOME TAX—CHARITABLE CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to corporations making a qualified research contribution of scientific equipment or apparatus to an institution of higher education.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information:

LR-219-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA90

2575. TO CLARIFY TREATMENT OF AMORTIZABLE BOND PREMIUM WITH RESPECT TO BONDS ISSUED IN CERTAIN SECTION 351 TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.171-2(a)(1)

Legal Deadline: None.

Abstract: This regulation would prescribe the method for determining the bond premium on bonds with a substituted basis. This method will result in the true yield from the bond being reported and avoid the possibility of having capital losses converted into ordinary losses.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-129-83.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John Coulter (202) 566-4473.

Treasury attorney:

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AI18

2576. INCOME TAX—NET OPERATING LOSSES ATTRIBUTABLE TO PRODUCT LIABILITY LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172 Internal Revenue Code of 1954; 26 USC 537(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide the necessary guidance with respect to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Product liability losses may be carried back ten years instead of three years.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/79	51 FR 30481
NPRM	03/25/83	48 FR 12557
NPRM Comment Period End	05/24/83	48 FR 12557
Final Action	08/27/86	51 FR 30481

Small Entity: Not Applicable

Additional Information: LR-218-78.

Drafting attorney: John M. Coulter, Jr. (202) 566-4473.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: David Garlock (202) 566-8377.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4473

RIN: 1545-AA93

2577. INCOME TAX--NET OPERATING LOSSES FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172(b)(1)(E) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: To provide guidance to Real Estate Investment Trusts with net operating loss carryovers. A net operating loss for a year in which the taxpayer was a REIT shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and shall be a net operating loss carryover to each of the 15 taxable years following the taxable year of such loss. In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried back to any taxable year which is a REIT year.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/75	51 FR 43344
NPRM	06/26/84	84 FR 16876
NPRM Comment Period End	08/26/84	
Final Action	12/02/86	51 FR 43344

Small Entity: Not Applicable

Additional Information: LR-26-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA94

2578. INCOME TAX--ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954; 26 USC 1033 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules relating to the election to expense certain depreciable business assets. The regulations determine the type of property to which section 179 applies. In addition, the regulations set forth the maximum amount of section 179 expense allowed and the procedures that must be followed in claiming the expense.

Timetable:

Action	Date	FR Cite
NPRM	09/25/85	50 FR 39018
NPRM Comment Period End	11/25/85	50 FR 39018
Final Action	01/06/87	52 FR 409
Final Action Effective	01/06/87	52 FR 409

Small Entity: Not Applicable

Additional Information: LR-233-81.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Thuronyi, Rollyson.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AA95

2579. INCOME TAX--AMORTIZATION OF REAL PROPERTY CONSTRUCTION PERIOD INTEREST & TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 189 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide that only a portion of the real property construction period interest and taxes are deductible for the taxable year they are paid or accrued. The remaining amounts are amortized over varying periods of time depending on the category of real property to which such amounts are attributable and the taxable year the interest and taxes are paid or accrued.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-145-76.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA97

2580. MEDICAL DEDUCTION FOR LODGING AWAY FROM HOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 213 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the deduction for medical expenses incurred for lodging away from home.

Timetable:

Action	Date	FR Cite
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-302-84.

Drafting attorney: Joel S. Rutstein (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH21

2581. INCOME TAX-NOTICE OF PROPOSED RULEMAKING-HOLDINGS PERIODS FOR DIVIDENDS RECEIVED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246 (c) Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954; 26 USC 854 Internal Revenue Code of 1954; 26 USC 7701 (f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Amendment of the regulations under section 246 (c) and related sections of the Internal Revenue Code of 1954 to interpret the limitations on qualification for a dividends received deduction imposed by the holding period. The regulations will explain how that holding period is effected when a taxpayer has diminished his risk of loss.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-8-85.

Drafting attorney: Patricia Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH40

2582. INCOME TAX--PREPUBLICATION EXPENDITURES OF PUBLISHERS AND AUTHORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers relating to the capitalization of pre-publication expenses of publishers and authors.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-253-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-3238

RIN: 1545-AA36

2583. INCOME TAX - NOTICE OF PROPOSED RULEMAKING - PAYMENTS IN LIEU OF DIVIDENDS IN CONNECTION WITH SHORT SALES, SECTION 263 (H) OF THE INTERNAL REVENUE CODE AND SECTION 56 (A) OF THE TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 (h) Internal Revenue Code of 1954; 26 USC 265 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the disallowance of deductions for payments made in lieu of dividends in connection with short sales as required by section 263 (h) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	09/01/86	
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-9-85.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH37

2584. INCOME TAX--TAXES AND CARRYING CHARGES CHARGEABLE TO CAPITAL ACCOUNT AND TREATED AS CAPITAL ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 266 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for electing to capitalize certain taxes and carrying charges that are otherwise expressly deductible under subtitle A of the Code.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-22-82.

Drafting attorney: Bruce B. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB03

2585. INCOME TAX--TAXATION OF NONEXEMPT MEMBERSHIP ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 277 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would relate to the taxation of nonexempt membership organizations. The regulations would clarify the deductibility to the organization for furnishing services, facilities, et cetera, to its members.

Timetable:

Action	Date	FR Cite
Hearing	08/08/72	
Withdrawn by LR-277-76	01/23/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-1721.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington DC 20224, 202 566-3238

RIN: 1545-AB07

2586. INCOME TAX–SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 291 Internal Revenue Code of 1954; 26 USC 57(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the determination of the reduction for certain corporate preference items.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-234-82.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AE78

2587. INCOME TAX–DISTRIBUTION IN REDEMPTION OF STOCK TO PAY DEATH TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 303 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules for treating distributions in redemption of stock to pay death taxes to be treated as a distribution in full payment in exchange for the stock. The regulations provide rules with respect to stock that is redeemed from a shareholder whose interest in the estate is reduced by any payment of the death taxes or funeral and administrative expenses of the estate.

Timetable:

Action	Date	FR Cite
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-124-76.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AB13

2588. INCOME TAX–TO CLARIFY MEANING OF TERM "REASONABLE REDEMPTION PREMIUM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules to determine when the difference between redemption price and issue price of preferred stock will be treated as a stock distribution.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-91-74.

Drafting attorney: Mark Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB15

2589. INCOME TAX–DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Notice would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30146
NPRM Comment Period End	08/29/83	48 FR 30146
Hearing	10/05/83	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-241-81.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Carlisle.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6456

RIN: 1545-AB14

2590. INCOME TAX - AMENDMENTS TO STATUTORY PROVISIONS RELATING TO EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for the calculation of earnings and profits to reflect changes in the law made by section 61 of the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-154-84.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW, Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG30

2591. INCOME TAX--MISCELLANEOUS CORPORATE AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954; 26 USC 542(c) Internal Revenue Code of 1954; PL 96-589, Sec 5

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would amend the Income Tax Regulations to conform them to miscellaneous corporate amendments made by the Bankruptcy Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-71-81.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB12

2592. INCOME TAX--SIMULTANEOUS LIQUIDATION OF A PARENT AND SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules relating to the nonrecognition treatment following the sale of assets of a subsidiary corporation provided that the subsidiary and certain other corporations in its affiliated group liquidate within a 12-month period.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1225
NPRM Comment Period End	03/10/84	
Final Action	12/31/86	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-130-76.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AB18

2593. INCOME TAX--REGULATIONS UNDER SECTION 338 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None.

Abstract: This regulation would establish general rules relating to the effect of an election under section 338 (g), which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-212-82.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AE60

2594. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 341, RELATING TO COLLAPSIBLE CORPORATIONS, TO REFLECT THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 341 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These changes to the regulations will amend the definition of a collapsible corporation and will provide rules for the aggregation of certain types of property for purposes of limiting the application of section 341 to certain corporations.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34523
NPRM Comment Period End	10/30/84	49 FR 34523
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-107-84.

Drafting attorney: Michel A. Daze (202) 566-6456.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-6456

RIN: 1545-AG33

2595. INCOME TAX--CORPORATE DISTRIBUTIONS OF APPRECIATED PROPERTY AND PARTIAL LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 346(b) Internal Revenue Code of 1954; 26 USC 302(b) Internal Revenue Code of 1954; 26 USC 302(e) Internal Revenue Code of 1954; 26 USC 311(d) Internal Revenue Code Of 1954; 26 USC 311(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would interpret and prevent the circumvention of the repeal of the special tax treatment for partial corporate liquidations as effected by section 222 of the Tax Equity and Fiscal Responsibility Act of 1982. Proposal would also interpret the definitions and special rules relating to appreciated property used to redeem stock contained in section 311 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-218-82.

Drafting attorney: Mark S. Jennings (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: David C. Garlock (202) 566-2566.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF16

2596. VARIOUS PENSION PARITY, ETC. PROVISIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AND THE ECONOMIC RECOVERY TAX ACT OF 1981

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954; 26 USC 101 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 457 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 4972 Internal Revenue Code of 1954; PL 95-600, Sec 131 Revenue Act of 1978; PL 97-248, Sec 237; PL 97-248, Sec 238; PL 97-248, Sec 245; PL 97-248, Sec 252

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 54

Legal Deadline: None.

Abstract: Regulations will interpret changes in sections 72, 101, 401, 404, 408, 457, 1379, 2039, and 4972 of the Internal Revenue Code relating to the elimination of distinctions between corporate pension plans and plans covering self-employed individuals.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/86	

Small Entity: Not Applicable

Additional Information: EE-108-82.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE84

2597. NONDISCRIMINATORY COORDINATION OF DEFINED CONTRIBUTION PLANS WITH OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(l) Internal Revenue Code of 1954; PL 97-248, Sec 249

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Regulations will define and interpret rules governing the integration of qualified defined contribution pension, profit sharing, and stock bonus plans with benefits paid under Social Security.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/86	

Small Entity: Not Applicable

Additional Information: EE-112-82.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE93

2598. INCOME TAX—TAX-FREE ROLLOVERS OF LUMP SUM DISTRIBUTIONS AND PLAN TERMINATION PAYMENTS. LUMP SUM DISTRIBUTIONS MADE WITH RESPECT TO A DECEDENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(5) Internal Revenue Code of 1954; 26 USC 402(a)(6) Internal Revenue Code of 1954; 26 USC 402(a)(7) Internal Revenue Code of 1954; 26 USC 401(a)(20) Internal Revenue Code of 1954; 26 USC 403(a)(4) Internal Revenue Code of 1954; 26 USC 403(a)(5) Internal Revenue Code of 1954; 26 USC 403(b)(1) Internal Revenue Code of 1954; 26 USC 403(b)(8) Internal Revenue Code of 1954; 26 USC 404(a)(2) Internal Revenue Code of 1954; 26 USC 691(c)(5) Internal Revenue Code of 1954; PL 94-267; PL 95-438, Sec 4; PL 95-600, Sec 156 Revenue Act of 1978; PL 96-222, Sec 101(a)(8)(A); ...

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides rules governing the tax-free rollover of lump sum distributions and plan termination payments under a qualified employee plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-15-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD74

2599. RETIREMENT ARRANGEMENTS OF CHURCHES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403; 26 USC 415

TREAS—IRS

Completed Actions

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance on the application of amendments to sections 403 and 415 of the Internal Revenue Code of 1954. The amendments revise the present law rules relating to tax-sheltered annuity programs maintained by churches for their employees. The new rules generally increase the ability of churches to provide retirement income for their employees and clarify the status of such programs.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/11/86	

Small Entity: Not Applicable

Additional Information: EE-114-82.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Monice L. Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AE25

2600. INCOME TAX–TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASE BY SEC. 501(C) ORGANIZATION OR PUBLIC SCHOOL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide guidance on employer contributions of funds, on behalf of employees, to regulated investment company stock (mutual funds). Employer contributions and the earnings on those contributions are exempt from income tax.

Timetable:

Action	Date	FR Cite
NPRM	02/10/78	43 FR 5852
NPRM Comment Period End	04/04/78	43 FR 5852
Partial Revised Notice	12/30/80	45 FR 85786
Hearing	06/04/81	46 FR 17229
Closed without regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: EE-17-78.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD75

2601. PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO DIVIDENDS FROM ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(k); 26 USC 116(e); 26 USC 3405(d); 26 USC 3405(l)

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the deduction rules when a corporation pays a dividend with respect to stock held by a tax credit employee stock ownership plan or by an employee stock ownership plan.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-72-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AG65

2602. INCOME TAX–DEDUCTION LIMITATIONS AND FUNDING RULES FOR VALUING CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(1) Internal Revenue Code of 1954; 26 USC 404(a)(6) Internal Revenue Code of 1954; 26 USC 404(a)(7) Internal Revenue Code of 1954; 26 USC 404(a)(3)(A) Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 412(c)(2)(A) Internal Revenue Code of 1954; 26 USC 413(b)(7) Internal Revenue Code of 1954; 26 USC 413(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for taking into account the fair market value of certain insurance products in the valuation of assets for pension plans. In addition, the regulations amend the regulations to reflect changes made by the Employee Retirement Income Security Act of 1974 to sections 404 and 413 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: EE-141-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD76

2603. INCOME TAX–DEDUCTIBILITY OF PAYMENTS OF DEFERRED COMPENSATION TO INDEPENDENT CONTRACTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(d) Internal Revenue Code of 1954; 26 USC 404(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules for taking a deduction under section 404(d) of the Internal Revenue Code for deferred compensation paid to independent contractors. A deduction is permitted only when there is a corresponding income inclusion by the plan participant. In addition, the regulations provide guidance with regard to the amendment of section 404(b) of the Internal Revenue Code by section 133 of the Revenue Act of 1978, which clarified that a method of compensation or contributions having the effect of a plan deferring the receipt of compensation does not have to be similar to a stock bonus, pension, profit-sharing, or annuity plan to be subject to 404(a) of the Internal Revenue Code. The regulations describe methods of compensation or contributions subject to the section 404(a) rules. The regulations also reflect the amendment of section 404(b) of the Internal Revenue Code by the Tax Reform Act of 1984. That amendment provides that certain deferred benefits shall be treated as deferred compensation for purposes of section 404(a).

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-44-79.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of revised preliminary draft of notice.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C 20224, 202 566-3544

RIN: 1545-AD78

2604. INCOME TAX–PENSION EXCISE TAXES–MISCELLANEOUS FUNDING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(b) Internal Revenue Code of 1954; 26 USC 412(j) Internal Revenue Code of 1954; 26 USC 412(k) Internal Revenue Code of 1954; 26 USC 4971(d) Internal Revenue Code of 1954; 26 USC 414(l) Internal Revenue Code of 1954; 26 USC 412(a) Internal Revenue Code of 1954; 26 USC 413(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None.

Abstract: The regulations would provide guidance relating to the minimum funding requirements for multiemployer pension plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/86	

Small Entity: Not Applicable

Additional Information: EE-129-80.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD85

2605. INCOME TAX–CHURCH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(e) Internal Revenue Code of 1954; PL 96-364, Sec 407

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation project relates to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the special benefits afforded church plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-123-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD88

2606. LIMITATIONS ON BENEFITS AND CONTRIBUTIONS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805; 26 USC 415; 26 USC 404(a)(3)(B); 26 USC 404(j)

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations deal with the amendments to Internal Revenue Code section 415, which lower the limitations on benefits and contributions under qualified plans and the amendments to Internal Revenue Code section 404 which deal with the corresponding deduction for employer payments made to a qualified plan. The regulation also provides special rules for contributions made on behalf of disabled participants and special rules for church plans.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/23/86	

Small Entity: Not Applicable

Additional Information: EE-107-82.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AE75

2607. INCOME TAX–REORGANIZATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for the determination of whether a multiemployer pension plan is in reorganization as described in section 418 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/19/86	

Small Entity: Not Applicable

Additional Information: EE-124-80.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545–AD91

2608. INCOME TAX–MINIMUM CONTRIBUTION REQUIREMENT, IN GENERAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation project will focus on a special rule to compute the minimum contribution that employers must make to a multiemployer plan when the plan is in reorganization in order for the special funding requirements for multiemployer plans in reorganization to be met.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: EE-125-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AD92

2609. INCOME TAX–OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide that a multiemployer plan that is in reorganization and is overburdened with retirees is eligible for a special overburden credit which will reduce the otherwise required minimum contribution requirement.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: EE-127-80.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AD94

2610. INCOME TAX–ADJUSTMENTS IN ACCRUED BENEFITS; INSOLVENT PLANS; RELATED VESTING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418D Internal Revenue Code of 1954; 26 USC 418E Internal Revenue Code of 1954; 26 USC 411(a)(3) Internal Revenue Code of 1954; 26 USC 411(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules under 26 USC 418D and 418E concerning adjustment of accrued benefits by a multiemployer plan in reorganization and suspension of benefit payments by an insolvent multiemployer plan. Conforming changes will be made to regulations under section 411 concerning permitted forfeitures and concerning the computation of the period of service in determining an employee's nonforfeitable percentage.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-128-80.

Drafting attorney: V. A. Moore (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AD95

2611. INCOME TAX–CLARIFICATION OF RELATIONSHIP BETWEEN SECTIONS 446(E) AND 481

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 446(e) Internal Revenue Code of 1986; 26 USC 481 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would clarify that in order to secure the Commissioner's permission to adopt a new accounting method the taxpayer must take any adjustment required by

section 481 into income over the period prescribed by the Commissioner.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-47-80.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB38

2612. INCOME TAX--METHOD OF ACCOUNTING FOR CORPORATIONS ENGAGED IN FARMING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 447 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules and definitions needed to determine which corporations and partnerships with a corporate partner are subject to the requirement that income from farming be reported on the accrual method of accounting with the capitalization of preproductive expenses.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-143-76.

Drafting attorney: Michael Grace (202) 566-3288.

Reviewing attorney: Ewan Purkiss (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB39

2613. INCOME TAX--TREATMENT OF PREPAID INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to cash basis taxpayers regarding the deductibility of interest allocable to periods beyond the close of the taxable year.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-190-76.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB49

2614. INCOME TAX--ACCRUAL OF VACATION PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 463 Internal Revenue Code of 1986; 26 USC 81 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules which require a taxpayer to include in its gross income for the taxable year the amount of the increase, if any, in the suspense account created under section 463. The regulation will also provide rules under section 463 which allow a taxpayer who computes income on the accrual method of accounting to deduct its accrued liabilities for vacation pay in the year the vacation pay is earned by the employee so long as such pay is expected to be paid during the tax year or twelve month period following the close of the year.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-6-75.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB50

2615. INCOME TAXES--ELECTION FOR ACCRUED VACATION PAY UNDER TRANSITIONAL RULE PROVIDED IN SECTION 91(I) OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 463

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide rules relating to the election for accrued vacation pay under the transitional rule provided in section 91 (i) of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Interim Final Rule	02/04/86	51 FR 4312
NPRM Comment Period End	04/07/86	51 FR 4391
Hearing	06/26/86	51 FR 15916
Closed without final regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-255-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3828.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AH16

2616. INCOME TAX--QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 473 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide interpretative and procedural rules relating to qualified liquidations of certain inventories accounted for under the LIFO method.

Timetable:

Action	Date	FR Cite
Closed without final action	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-82-80.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB56

2617. USE OF ONE INVENTORY POOL BY SMALL BUSINESS ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project provides regulations pertaining to an election by a small business, which employs the dollar value LIFO method of pricing inventories, to use a single inventory pool. The regulations define "small business," thereby giving the rules of eligibility under this provision. Further, the regulations set forth the procedures of making a proper election and give transitional rules to govern pricing in the year of election.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-185-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, ATTN: CC:LR:T, 202 566-3238

RIN: 1545-AF92

2618. INCOME TAX-CHILD CARE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Nonprofit organizations which provide care for children are deemed to be tax-exempt if substantially all of the child care provided by the organization is for the purpose of enabling individuals (the parents) to be gainfully employed and the services are available to the general public.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/30/86	
NPRM	07/00/87	

Small Entity: Not Applicable

Additional Information: EE-75-84.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG64

2619. INCOME TAX--AMENDMENT OF REGULATIONS TO REFLECT THE GRANT OF TAX EXEMPT STATUS TO CERTAIN HOSPITAL SERVICE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations provide the rules for tax exemption for cooperative hospital service organizations. These organizations provide specified services to exempt hospitals on a centralized basis.

Timetable:

Action	Date	FR Cite
Hearing	05/31/84	
Final Action	09/04/86	51 FR 31613

Small Entity: Not Applicable

Additional Information: EE-44-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: James Bridgeman (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AE01

2620. INCOME TAX--TAX TREATMENT OF CERTAIN SOCIAL CLUBS & PROHIBITION OF DISCRIMINATION BY CERTAIN SOCIAL CLUBS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(7) Internal Revenue Code of 1954; 26 USC 501(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations describe the requirements that a club must meet to qualify for tax exemption, explain the social character required of an exempt club, and prescribe the circumstances in which nonmember support is taken into account in determining whether substantially all of the club's activities are for its exempt purposes. Exemption is denied to clubs which by written

policy discriminate on the basis of race, color, or religion.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-43-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: James Bridgeman (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD98

2621. NOTIFICATION REQUIREMENT FOR SECTION 501(C) (9) AND (20) ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Section 505(c) requires that new VEBAs group legal service plans and plans providing for the payment of supplemental unemployment must timely file and advise the Service that it is applying for tax exempt status.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-69-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AG44

2622. INCOME TAX--SOCIAL CLUBS UNRELATED BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal will provide rules for determining the unrelated business taxable income of certain organizations exempt from taxation under sections 501 (c) (7) and (c) (9) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/13/71	36 FR 8808
NPRM Comment Period End	06/14/71	36 FR 8808
Hearing	08/31/71	36 FR 13034
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-105-83.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AB59

2623. TO AMEND SECTION 1.591-1(B), RELATING TO DEDUCTIBILITY OF INTEREST ON SHORT-TERM CERTIFICATES OF DEPOSIT ISSUED BY SAVING AND LOAN INSTITUTIONS

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 591-1(b)

Legal Deadline: None.

Abstract: This regulation would delete section 1.591-1(b). The deletion is necessary because the subsection no longer applies in any situation. Section 1.591-1(b) states that it will not apply if section 1.163-4(a) applies. Section 1.163-4(a) applies to every situation covered in section 1.591-1(b) except "serial associations", a form of savings institution which has fallen into disuse. The subsection is no longer necessary.

Timetable:

Action	Date	FR Cite
NPRM	12/31/86	
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-217-83.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney:

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AI38

2624. APPLICABILITY OF DEPLETION TO PAYMENTS RECEIVED FOR THE GRANT OF AN OPTION TO ACQUIRE AN ECONOMIC INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 611 Internal Revenue Code of 1986; 26 USC 263 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations will provide rules with respect to the allowance of a deduction for depletion to payments received for the grant of an option to acquire an economic interest in property.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/09/86	

Small Entity: Not Applicable

Additional Information: LR-19-86.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3297

RIN: 1545-AI64

2625. INCOME TAX--DISALLOWANCE OF CERTAIN ITEMS AS DEDUCTIONS FOR ESTATE AND INCOME TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 642(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide that section 2053 and 2054 deductions are not allowed in computing the taxable income of the estate or any other person or as an offset against sales of property unless a waiver is filed stating that on the estate tax return these deductions were not claimed.

Timetable:

Action	Date	FR Cite
NPRM	02/08/83	48 FR 5762
NPRM Comment Period End	04/11/83	48 FR 5762
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-183-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB75

2626. INCOME TAX--SPECIAL RULE FOR PROPERTY TRANSFERRED AT LESS THAN FAIR MARKET VALUE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 644 Internal Revenue Code of 1954; 26 USC 641(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will explain how to compute the tax imposed by section 644 on the includible gain recognized on the sale or exchange within two years after transfer to a trust of certain property.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-188-76.

Drafting attorney: Margaret M. O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret M. O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB76

2627. INCOME TAX--PROCEDURE & ADMINISTRATION--ACCUMULATION TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 667 Internal Revenue Code of 1986; 26 USC 666(e) Internal Revenue Code of 1986; 26 USC 668 Internal Revenue Code of 1986; 26 USC 665(b) Internal Revenue Code of 1986; 26 USC 665(e) to 665(g) Internal Revenue Code of 1986; 26 USC 669 Internal Revenue Code of 1986; 26 USC 1302(a)(2)(B) Internal Revenue Code of 1986; 26 USC 1302(b)(2)(B) Internal Revenue Code of 1986; 26 USC 6401(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will clarify the amount of tax imposed on a beneficiary for distributions from a trust of income accumulated by the trust in prior tax years.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-184-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB78

2628. AMENDMENT OF SECTION 1.704-1 TO PROVIDE RULES ON PARTNER'S DISTRIBUTIVE SHARES OF ITEMS ATTRIB. TO NONRECOURSE DEBT AND THE INTERRELATIONSHIP OF SUBSECTIONS (B) AND (C) OF SECTION 704

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide proposed regulations under section 704 (b) relating to a partner's distributive share of losses and deductions attributable to nonrecourse debt. Rules concerning the interrelationship between section 704 (b) and (c) will also be provided.

Timetable:

Action	Date	FR Cite
Final Action	09/08/86	51 FR 32061
NPRM	10/31/86	

Small Entity: Not Applicable

Additional Information: LR-191-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: James Lokey (202) 566-4518.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG00

2629. INCOME TAX--TREATMENT OF UNREALIZED RECEIVABLES AND INVENTORY ITEMS HELD BY TIERED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide guidance to taxpayers relating to the treatment of unrealized

receivables and inventory items held by tiered partnerships.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-235-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH67

2630. TEMPORARY REGULATIONS RELATING TO THE MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NO APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/87	51 FR 39
Final Action	01/02/87	52 FR 00039

Small Entity: Not Applicable

Additional Information: LR-50-85.

Drafting attorney: Sharon Hall (202) 566-3828.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH98

2631. TEMPORARY INCOME TAX REGULATIONS - DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: The regulations will provide diversification requirements for variable annuity, endowment and life insurance contracts. The regulations will also provide rules relating to the testing of diversification for variable periods, and applicable effective dates.

Timetable:

Action	Date	FR Cite
Final Action	09/15/86	51 FR 32633
Final Action Effective	09/15/86	51 FR 32633

Small Entity: Not Applicable

Additional Information: LR-294-84.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8278.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG78

2632. EXTENSION OF HOLDING PERIOD FOR LOSSES ATTRIBUTABLE TO CAPITAL GAIN DIVIDENDS OF RIC'S AND REIT'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 852 Internal Revenue Code of 1954; 26 USC 857 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposed regulations would interpret the rules of sections 852 and 857 dealing with the extension of holding period for losses attributable to capital gain dividends of REIT's and RIC's and also dealing with personal holding companies eligible for RIC status.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-263-84.

Drafting attorney: Thomas J. Kane (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Thomas J. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH64

2633. INCOME TAX—SOURCE OF INCOME OF UNDERWRITING INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861(a)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will provide rules for determining whether the source of underwriting income is income from sources within the United States to be included in gross income and for clarifying the meaning of United States risks upon which such income determination is made.

Timetable:

Action	Date	FR Cite
Closed without final action	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-71-77.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB89

2634. SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would treat interest and dividends paid by a domestic corporation having substantial gross income from certain possessions of the United States as income from sources within the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57972
NPRM Comment Period End	02/28/83	47 FR 57972
Hearing	05/24/83	48 FR 11465
Final Action	12/01/86	51 FR 43218

Small Entity: Not Applicable

Additional Information: INTL-64-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Notice of Proposed rulemaking published. Hearing held.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AF15

2635. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SEC. 1.861-8 TO PROVIDE FOR THE ALLOCATION AND APPORTIONMENT OF PARTNERSHIP EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue of Code 1954; 26 USC 861 Internal Revenue of Code 1954; 26 USC 882 Internal Revenue of Code 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will indicate whether partnership expenses are to be allocated and apportioned under Sec. 1.861-8 of the partnership level or at the partner level.

Timetable:

Action	Date	FR Cite
Withdrawn	01/06/87	52 FR 438

Small Entity: No

Additional Information: INTL-65-86.

Drafting attorney: Marnie Carro (202) 566-3494.

Reviewing attorney: Charles C. Saverude (202) 566-3913.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3494

RIN: 1545-AF57

2636. SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4a

Legal Deadline: None.

Abstract: Proposal would remove Temporary Income Tax Regulations relating to source of income. The Temporary Income Tax Regulations have been mooted by amendment of section 881 (b).

Timetable:

Action	Date	FR Cite
Final Action	12/01/86	51 FR 43191

Small Entity: Not Applicable

Additional Information: INTL-611-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: D. Crowe (202) 566-2875.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545-AI15

2637. TEMPORARY INCOME TAX REGULATIONS UNDER SECTIONS 163 RELATING TO REGISTRATION-REQUIRED OBLIGATIONS AND UNDER SECTIONS 871 AND 881 RELATING TO THE PARTIAL REPEAL OF 30 PERCENT WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None.

Abstract: These regulations provide rules as to the application of the TEFRA registration requirements and the issuer sanctions under sections 163 (f)(1) and 4701 to certificates of interest in certain pooled funds and pooled trusts. These regulations also provide revised rules on the requirement of a certification of beneficial non-United States ownership of a foreign-targeted registered obligation. Further, these regulations change the effective date provisions and the place of payment provision in the temporary regulations under section 163 (f)(2)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	
Final Action	08/20/85	50 FR 33522

Small Entity: Not Applicable

Additional Information: LR-49-85.

Drafting attorney: Carl Cooper (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-5791.

Additional regulations on these matters will be published exclusively under INTL-39-86, INTL-50-86, and INTL-53-86.

Agency Contact: Carl Cooper, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3388

RIN: 1545-AH90

2638. INCOME TAX REGULATIONS RELATING TO FOREIGN MANAGEMENT AND FOREIGN ECONOMIC PROCESSES REQUIREMENTS OF A FOREIGN SALES CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 924(d) (4) Internal Revenue Code of 1954; 26 USC 925(b) Internal Revenue Code of 1954; 26 USC 927(d) (2) (B) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules for determining whether a FSC shall be treated as having foreign trading gross receipts by complying with the requirement that certain management activities of the FSC take place outside the United States, and rules for determining whether a transaction is treated as producing foreign trading gross receipts because certain sales activities and activities relating to the disposition of export property are performed by the FSC outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48321
NPRM Comment Period End	02/11/85	49 FR 48321
Final Action	02/19/87	52 FR 05084

Small Entity: Not Applicable

Additional Information: INTL - 45-86.

Drafting attorney: Carol P. Tello (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorneys: Jane Sarosdy and Stephen Shay.

Agency Contact: Carol P. Tello, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH10

2639. INCOME TAX—BASIS OF CERTAIN APPRECIATED PROPERTY TRANSFERRED TO DECEDENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1014(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will explain the denial of a stepped-up basis for appreciated property acquired by decedent through gift within one year of death if such property passes, directly or indirectly, from donee-decedent to original donor or the donor's spouse.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-235-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC18

2640. STOCK SALES, ETC, TO AND BY ESOP'S, ETC

Legal Authority: 26 USC 1042 Internal Revenue Code of 1954; 26 USC 4978 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide guidance concerning the tax treatment of gain on certain sales of stock to and by ESOP's, etc.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-71-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG21

2641. INCOME TAX—BASIS LIMITATION & RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1056 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for determining the basis of player contracts acquired by a purchaser upon the sale or exchange of a sports franchise. Generally, the purchaser's basis with respect to player contracts is to be determined by reference to the seller's adjusted basis and the gain the seller recognizes from the transfer of the player contracts. Exceptions are provided in the cases of certain corporate one-year liquidations, certain like-kind exchanges and for certain transfers relating to decedents. Furthermore, a presumption is provided that in the sale or exchange of a sports franchise, not more than 50-percent of the consideration will be allocable to player contracts unless the taxpayer can satisfy the Secretary it is proper to allocate an amount in excess of 50-percent.

Timetable:

Action	Date	FR Cite
Closed without final action	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-222-76.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC19

2642. INCOME TAX–TIME FOR DETERMINING RELATEDNESS UNDER SECTION 1239–RELATING TO TRANSFER OF DEPRECIABLE PROPERTY BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1239 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The rule will provide that 80 percent relatedness determination under section 1239 is determined immediately before or after the sale or exchange of depreciable assets. A determination of relatedness under section 1239 converts what would otherwise be capital gain into ordinary gain.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00667
NPRM Comment Period End	03/07/83	48 FR 00667
Final Action	11/26/86	42 FR 835

Small Entity: Not Applicable

Additional Information: LR-104-81.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Richard Harvey (202) 566-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AC29

2643. INCOME TAX–CERTAIN RULES RELATING TO SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would address the following issues: (1) The number of permitted shareholders of a small business corporation, (2) The rules regarding stock held by a husband and wife, (3) The types of trusts that are permitted to be shareholders of a small business corporation, (4) Whether shares are permitted to be owned as a split interest, (5) The rules relating to the time period for making an election of status as a small business corporation and the manner for making such election, and (6) Rules relating to how a new shareholder may terminate a subchapter S election.

Timetable:

Action	Date	FR Cite
NPRM	04/17/80	45 FR 26092
NPRM Comment Period End	06/13/80	45 FR 26092
Hearing	10/08/80	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-277-76.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC38

2644. INCOME TAX–TO CLARIFY SECTION 1.1382-6 WITH REGARD TO INVENTORY POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations would provide guidance to cooperatives with regard to inventory pools that remain open at the end of the taxable year.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-63-82.

Drafting attorney: Annette S. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB32

2645. INCOME TAX–DISTRIBUTIONS QUALIFYING AS PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1382 Internal Revenue Code of 1986; 26 USC 1388 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations would provide rules for netting the income and losses of allocation units within the cooperative. In addition the regulations clarify the meaning of preexisting legal obligation.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-268-79.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AC39

2646. INCOME TAX: WITHHOLDING UPON DISPOSITIONS OF U.S. REAL PROPERTY INTEREST BY FOREIGN PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1445 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: These regulations provide rules relating to the withholding tax imposed under section 1445 upon any person that acquired a U.S. real property interest from a foreign person. The regulations explain where withholding is required and how that requirement can be modified pursuant

to an agreement with the IRS, and also provide rules relating to the manner in which amounts withheld are to be reported and paid over to the IRS.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50739
NPRM Comment Period End	03/01/85	49 FR 50739
Final Action TD 8113	12/24/86	

Small Entity: Not Applicable

Additional Information: INTL-51-86.

Drafting attorney: Jeffrey Dorfman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Jeffrey Dorfman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3407

RIN: 1545-AG70

2647. 26 CFR PART I—AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 1502 OF THE CODE TO REFLECT SECTION 224 OF TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would make amendments to the Consolidated Return Regulations to conform them to section 338 of the Code, as added by section 224 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended by section 306 of the Technical Corrections Act of 1982.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	
NPRM	06/30/87	

Small Entity: No

Additional Information: LR-80-83.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Patricia McClanahan (202) 566-4902.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF41

2648. AMENDMENT OF CONSOLIDATED RETURNS REGULATIONS RELATING TO LIFE-LIFE CONSOLIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Proposal would deal with issues relating to life-life consolidations which were reserved by Treasury Decision 7877 for further study.

Timetable:

Action	Date	FR Cite
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: No

Additional Information: LR-66-83.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF67

2649. AMENDMENT OF SECTION 1.1502-14 TO MODIFY TREATMENT OF STOCK REDEMPTIONS AND NONDIVIDEND DISTRIBUTIONS IN EXCESS OF BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The amendment will coordinate the consolidated return treatment of stock redemptions and nondividend distributions in excess of basis with changes made by the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: No

Additional Information: LR-40-84.

Drafting attorney: John Broadbent (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG35

2650. INCOME TAX—CONSOLIDATED RETURN/ACCUMULATED EARNINGS TAX-EARNINGS AND PROFITS WHEN A MEMBER IS A PERSONAL HOLDING COMPANY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal would provide rules relating to the application of the accumulated earnings tax to a group of corporations filing a consolidated income tax return when one or more members of the group is a personal holding company.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: No

Additional Information: LR-256-79.

Drafting attorney: Charles M. Whedbee (202) 566-3458.

Reviewing attorney: John Broadbent (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McClanahan.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC51

2651. INCOME TAX–TO REFLECT AMENDMENTS OF CONSOLIDATED RETURN REGULATIONS TO REFLECT MERCHANT MARINE ACT OF 1970 CONCERNING MERCHANT MARINE & FISHERIES CAPITAL ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 11 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Legal Deadline: None.

Abstract: The proposal would provide rules for the income tax treatment, by corporations filing consolidated returns, with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: No

Additional Information: LR-29-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC52

2652. ESTATE TAX - PERMANENT RULES FOR REFORMING GOVERNING INSTRUMENTS CREATING CHARITABLE REMAINDER TRUSTS AND OTHER CHARITABLE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None.

Abstract: These regulations will provide permanent rules for reforming governing instruments creating charitable remainder trusts and other charitable interests. The regulations will explain what interests are reformable interests and provide requirements for qualified reformations.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-22-85.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AI14

2653. ESTATE TAX-REGULATIONS RELATING TO REPORTS OF REFORMATIONS OF CHARITABLE REMAINDER TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Legal Deadline: None.

Abstract: These temporary regulations will provide rules for notification of a reformation of an instrument creating a charitable remainder trust. The regulations will explain procedures for claiming a refund resulting from a qualified reformation.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-119-85.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AI28

2654. ASSUMPTION OF ESTATE TAX LIABILITY BY ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2210 Internal Revenue Code of 1954; 26 USC 2002 Internal Revenue Code of 1954; 26 USC 6018 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: Allows estate tax liability for employer securities to be assumed by ESOP's rather than by the executor. To qualify, a qualified amount of employer securities must be acquired by the ESOP from "or on behalf of" the decedent. In addition, the executor must elect, in writing, to assume the attributable estate tax liability on behalf of the ESOP. The ESOP then becomes liable for the estate tax.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/16/86	

Small Entity: Not Applicable

Additional Information: EE-74-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AG38

2655. GIFT TAX–CERTAIN TRANSFERS TREATED AS QUALIFIED DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Legal Deadline: None.

Abstract: The regulations will provide that certain transfers will be qualified disclaimers for purposes of section 2518 (a).

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-212-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC70

2656. ESTATE & GIFT TAX—GENERATION-SKIPPING TRANSFERS TAX RETURN REQUIREMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2621 Internal Revenue Code of 1954; 26 USC 2601 to 2614 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Legal Deadline: None.

Abstract: This project will establish the forms to be used in reporting a generation-skipping transfer and also will establish the date on which the return must be filed and the tax paid. It will also interpret the definitions and special rules and illustrate how to compute the tax.

Timetable:

Action	Date	FR Cite
NPRM	08/05/80	45 FR 51771
Hearing	11/05/80	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-234-79.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC74

2657. AMEND THE REGULATIONS TO CLARIFY THE TRUCKING EXCEPTION TO THE DEFINITION OF "EMPLOYEE" FOR PURPOSE OF THE RRTA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: These regulations will clarify the scope of the "trucking service" and "casual service" exceptions to the definition of "employer" in section 3231 (a).

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-212-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Tom Wessel (202) 535-6963.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AG74

2658. EXCISE TAX—MANUFACTURERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4061 Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4062 Internal Revenue Code of 1954

CFR Citation: 20 CFR 48; 20 CFR 142; 20 CFR 146

Legal Deadline: None.

Abstract: The regulations will update and revise the existing regulations concerning Manufacturers and Retailers excise taxes on motor vehicles. The regulations substantially complete the task of updating the regulations under sections 4061 through 4063 of the Internal Revenue Code of 1954 to reflect statutory changes made to these sections since 1964.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58297
NPRM Comment Period End	02/28/83	47 FR 58297
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-2119.

Drafting attorney: Maurice B. Foley (202) 566-3287.

Reviewing attorney: Ada Rousso (202) 566-3287.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Maurice B. Foley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC86

2659. MANUFACTURERS & RETAILERS EXCISE TAX—REFUND FOR CERTAIN USES OF TREAD RUBBER & ADJUSTMENTS PURSUANT TO WARRANTY; MISC. EXCISE TAXES—TAX ON POLICIES OF INSURANCE ISSUED BY FOREIGN INSURERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071(a)(1) Internal Revenue Code of 1954; 26 USC 4071(a)(2) Internal Revenue Code of 1954; 26 USC 4071(d)(1) Internal Revenue Code of 1954; 26 USC 4071(f) Internal Revenue Code of 1954; 26 USC 6416(b)(1) Internal Revenue Code of 1954; 26 USC 6416(b)(2)(G) Internal Revenue Code of 1954; 26 USC 6416(b)(3) Internal Revenue Code of 1954; 26 USC 6511(i) Internal Revenue Code of 1954; 26 USC 4374 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 46

Legal Deadline: None.

Abstract: The regulations will provide new regulations concerning excise tax refunds and credits in the case of certain uses of tread rubber and adjustments pursuant to warranty. The regulation will also deal with the excise tax on policies of insurance issued by foreign insurers.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-28-81.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC88

2660. REGULATIONS RELATING TO THE TAX ON SALE OF SPORT FISHING EQUIPMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4162 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48; 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the excise tax imposed on the sale of sport fishing equipment, and bows and arrows, etc. The regulations will also provide treatment for certain resales of sport fishing equipment.

Timetable:

Action	Date	FR Cite
Closed w/o regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-4-85.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH95

2661. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAXES ON PETROLEUM AND CERTAIN CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4611 Internal Revenue Code of 1954; 26 USC 4612 Internal Revenue Code of 1954; 26 USC 4661 Internal Revenue Code of 1954; 26 USC 4662 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Legal Deadline: None.

Abstract: The regulations will provide rules for the computation of the environmental excise taxes on petroleum and certain chemicals. The regulations will also define such terms as entry and taxable chemicals and will explain how to get an exemption from tax for certain chemicals used to make fertilizer.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48339
NPRM Comment Period End	01/20/84	48 FR 50775
Hearing	02/16/84	
Withdrawn by LR-277-76	01/26/87	52 FR 02724

Small Entity: Not Applicable

Additional Information: LR-16-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Ada Rousso (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Carlisle.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC91

2662. EXCISE TAX--TAX ON ISSUER OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 46

Legal Deadline: None.

Abstract: This regulation will provide that registration-required obligations issued in non-registered form will have an excise tax imposed on the issuer.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33285
NPRM Comment Period End	10/22/84	49 FR 33285
Final Action	09/22/86	51 FR 33593

Small Entity: Not Applicable

Additional Information: LR-9-83.

Drafting attorney: Timothy J. McKenna (202) 566-3287.

Reviewing attorney: Ada S. Rousso (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF31

2663. TAX WITH RESPECT TO CERTAIN FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4976 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations will provide rules relating to the tax imposed upon certain funded welfare benefit plans which provide "disqualified benefits".

Timetable:

Action	Date	FR Cite
Closed without regulations	12/22/86	

Small Entity: Not Applicable

Additional Information: EE-67-84.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A.Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AG12

2664. EXCISE TAX--DEFINITION OF OIL REMOVED FROM THE PREMISES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None.

Abstract: This regulation would provide for exceptions to the general rule that crude oil is removed from the premises when it is physically transported off the premises. The exceptions are for certain uses of the crude oil on the premises, transportation to contiguous tracts and to storage tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1762
NPRM Comment Period End	03/15/83	48 FR 1762
Hearing	06/28/83	
Final Action	09/23/86	51 FR 33741

Small Entity: Not Applicable

Additional Information: LR-227-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC95

2665. RETURNS REQUIRED ON MAGNETIC MEDIA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations under section 6011 currently provide that for Forms W-2 and W-2P to be filed in 1987, the due date for requests for approval of a magnetic medium and for waiver requests is June 30, 1986. The regulations are to be amended to extend the due date for such requests to July 31, 1986.

Timetable:

Action	Date	FR Cite
Final Action	08/26/86	51 FR 30351

Small Entity: Not Applicable

Additional Information: LR-52-86.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3288

RIN: 1545-AI67

2666. FORM OF INDIVIDUAL TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation would provide rules for an individual taxpayer for determining the appropriate return to file, for utilizing a substitute form and for attaining assistance from the Internal Revenue Service for computing the tax liability from the partially completed return.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-300-82.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF24

2667. TO PROVIDE REGULATIONS RELATING TO NEW EXCEPTION TO ESTIMATED TAX PENALTY WHERE INDIVIDUAL HAS NO TAX LIABILITY FOR PRECEDING TAXABLE YEAR

Legal Authority: 26 USC 7805; 26 USC 6015; 26 USC 6654

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation will clarify the new exception to the individual estimated tax in the case of an individual who had no tax liability for the preceding taxable year. Rules also eliminate the requirement that individuals file a declaration of estimated tax.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-226-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Joy Roberts (202) 566-2565.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE71

2668. PROPOSED REGULATIONS UNDER SECTION 6037 RELATING TO INFORMATION REQUIRED TO BE FURNISHED TO SHAREHOLDERS OF S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6037 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6037

Legal Deadline: None.

Abstract: These regulations will provide rules relating to information required to be furnished to shareholders of S corporations.

Timetable:

Action	Date	FR Cite
Closed	12/31/86	

Small Entity: Undetermined

Additional Information: LR-233-84.

Drafting attorney: Unassigned

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney:

Agency Contact: Unassigned, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH48

2669. ● INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation would require any person determined to be the real estate broker in a real estate transaction to file an information return

with the IRS and furnish statements to transferors

Timetable:

Action	Date	FR Cite
Temporary regulation	04/03/87	52 FR 10742
Temporary regulation	04/00/87	

Small Entity: Not Applicable

Additional Information: LR-94-86.

Drafting attorney: Arthur E. Davis III (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Arthur E.Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC20224, **202 566-3238**

RIN: 1545-AJ24

2670. ORIGINAL ISSUE DISCOUNT REPORTING REQUIREMENTS UNDER SECTION 6049

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6049

Legal Deadline: None.

Abstract: Regulations would amend existing broker reporting requirements under section 6049 of the Internal Revenue Code for certain original issue discount obligations.

Timetable:

Action	Date	FR Cite
NPRM	10/01/86	
Final Action	12/17/86	51 FR 45105
Final Action Effective	01/01/87	51 FR 45105

Small Entity: Not Applicable

Additional Information: LR-144-85.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AI20

2671. INFORMATION REPORTING OF ORIGINAL ISSUE DISCOUNT BY CERTAIN BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulation explains the revised reporting requirements for Original Issue Discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report Original Issue Discount on certain debt instruments held as a nominee.

Timetable:

Action	Date	FR Cite
Final Action	12/17/86	51 FR 45105
Final Action Effective	01/01/87	51 FR 45105

Small Entity: Not Applicable

Additional Information: LR-2-86.

Drafting attorney: Theresa E. Bearman (202) 566-3226.

Reviewing attorney: John M. Coulter (202) 566-4473.

TLC attorney: Linda E. Carlisle (202) 566-5911.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, Ave., NW, Washington, DC 20224, **202 566-3226**

RIN: 1545-AI75

2672. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF TRANSFERS OF SECURITY TO A PERSON OTHER THAN THE LENDER UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The regulations propose rules relating to information reporting of transfers of security to persons other than the lender.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
Closed without final regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-182-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG51

2673. INCOME TAX--RETURNS RELATING TO CASH PAYMENTS IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 20 USC 7805 Internal Revenue Code of 1986; 20 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None.

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to furnishing statements to any person identified or a return of information.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21308
NPRM Comment Period End	07/22/85	50 FR 21308
Hearing	09/19/85	
Final Action	09/04/86	51 FR 31610

Small Entity: Not Applicable

Additional Information: LR-262-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG97

2674. RETURNS RELATING TO SALES OR EXCHANGES OF CERTAIN PARTNERSHIP INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050K Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation will provide rules relating to the manner of filing and contents of returns, statements, and notifications with respect to certain sales or exchanges of interests in partnerships.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/85	52 FR 40
NPRM	12/23/85	50 FR 52332
NPRM Comment Period End	02/21/86	50 FR 52332
Hearing	06/12/86	
Final Action	01/02/87	52 FR 40

Small Entity: Not Applicable

Additional Information: LR-236-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-2927.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH42

2675. PROCEDURE AND ADMINISTRATION REGULATIONS RELATING TO TAX SHELTER REGISTRATION AND THE REQUIREMENT TO MAINTAIN LISTS OF INVESTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301T

Legal Deadline: None.

Abstract: This project will provide rules to suspend the tax shelter registration requirements for tax shelters that are projected income investments.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43714
NPRM Comment Period End	12/31/84	49 FR 43714
Hearing held	01/17/85	
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-213-84.

Drafting attorney: Paulette Galanko (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH29

2676. PROPOSED REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This project will provide rules relating to the filing of amended tax shelter registration applications and the time for furnishing tax shelter registration numbers.

Timetable:

Action	Date	FR Cite
NPRM	03/04/86	
NPRM Comment Period End	05/05/86	
Closed without regulations	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-66-85.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: Cynthia Clark (202) 566-3828.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AI04

2677. REQUIREMENT TO MAINTAIN LISTS OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6112 Internal Revenue Code of 1986; 26 USC 6708 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: The regulations will provide guidance to organizers of and sellers of interests in potentially abusive tax shelters relating to the requirement to maintain lists identifying persons who acquire interests in those tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34246
NPRM Comment Period End	10/29/84	49 FR 34246
Hearing	01/17/85	
Closed without final regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-149-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG58

2678. DISCLOSURE OR RETURN INFORMATION TO THE BUREAU OF THE CENSUS

Legal Authority: 26 USC 7805; 26 USC 6103 (j)

CFR Citation: 26 CFR 301

Legal Deadline: None.

Abstract: This document contains final regulations to authorize the disclosure of an additional item of return information to the Bureau of the Census for use in statutory statistical programs,

delete the authority to disclose those items of return information which the Bureau no longer needs for such programs, and delete the authority of the Federal Trade Commission to obtain return information for certain statistical purposes, and transfer such authority to the Census.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10035
Final Action	12/30/86	51 FR 47016

Small Entity: No

Additional Information: LR-4-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3459.

Reviewing attorney: John M. Coulter Jr., (202) 566-4473.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3459

RIN: 1545-AI54

2679. ● INCOME TAX--DEPOSIT OF ESTIMATED INCOME TAX BY CERTAIN PRIVATE FOUNDATIONS AND TAX-EXEMPT ORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: This regulation provides guidance regarding deposits by certain private foundations and tax-exempt organizations of estimated income taxes. The Tax Reform Act of 1986 requires these organizations to make quarterly estimated tax payments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/24/86	51 FR 46619
Final Action	01/01/87	51 FR 46619

Small Entity: Not Applicable

Additional Information: LR-131-86.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Spitzer.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3590

RIN: 1545-AJ41

2680. INCOME TAX--TENTATIVE REFUND OF TAX UNDER CLAIM OF RIGHT ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None.

Abstract: The proposal provides rules with respect to a tentative refund of income tax when a taxpayer has a claim of right adjustment.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entity: Not Applicable

Additional Information: LR-45-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AD30

2681. PROPOSED REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO THE DEFINITION OF FAIR MARKET VALUE OF PROPERTY FOR PURPOSES OF DETERMINING GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7701-1

Legal Deadline: None.

Abstract: These proposed regulations provide clarification for the definition of fair market value in section 7701 (g) of the Internal Revenue Code. They state that, for purposes of determining gain or loss, the fair market value of property shall not be considered to be less than the amount of nonrecourse indebtedness to which property is subject.

Timetable:

Action	Date	FR Cite
Closed without final action	01/31/87	

Small Entity: Not Applicable

Additional Information: LR-264-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG94

[FR Doc. 87-6616 Filed 04-24-87; 8:45 am]

BILLING CODE 4830-01-T

federal register

Monday
April 27, 1987

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Robert C. MacKichan, General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Impact Analysis is required under 5 U.S.C. 602.

DATED: March 10, 1987.

Donna M. Alvarado,

Director.

ACTION (ACTION) — Prerule Stage

2682. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None.

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, as amended, and section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA06

2683. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA07

2684. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None.

Abstract: In accordance with the Freedom of Information Act, (5 USC 522), the Agency is updating its regulation concerning the release of Agency Information.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Charles Coleman, Director of Administrative Services, Office of Administration, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9242**

RIN: 3001-AA09

2685. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

Legal Deadline: None.

Abstract: In accordance with 42 USC 6101 and 42 USC 4951 ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of

ACTION

Prerule Stage

age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Jess Quintero, Director, Equal Opportunity Division, Office of Compliance, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001-AA10

ACTION (ACTION)

Proposed Rule Stage

2686. ● SENIOR COMPANION PROGRAM: NON-STIPENDED VOLUNTEERS

Legal Authority: PL 99-551

CFR Citation: 45 CFR 1207

Legal Deadline: None.

Abstract: In accordance with provisions included in P.L. 99-551, Domestic Volunteer Service Act Amendments of 1986, regarding volunteers serving without stipend in the Foster Grandparent and Senior Companion Programs, ACTION will publish proposed additions to existing Senior Companion Program regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: C. Wade Freeman, Assistant Director, Older American Volunteer Programs, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9355**

RIN: 3001-AA11

2687. ● FOSTER GRANDPARENT PROGRAM: NON-STIPENDED VOLUNTEERS

Legal Authority: PL 99-551

CFR Citation: 45 CFR 1208

Legal Deadline: None.

Abstract: In accordance with provisions included in P.L. 99-551, Domestic Volunteer Service Act Amendments of 1986, regarding volunteers serving without stipend in the Foster Grandparent and Senior Companion Programs, ACTION will publish proposed additions to existing Foster Grandparent Program regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: C. Wade Freeman, Assistant Director, Older American Volunteer Programs, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9355**

RIN: 3001-AA12

[FR Doc. 87-6784 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XVII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of each proposed and final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Suite 809, The Old Post Office Building, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: John Fowler, Acting Executive Director, Advisory Council on Historic Preservation, 202-786-0503.

Frank L. Suman,

Acting Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Completed Actions

2688. PROTECTION OF HISTORIC PROPERTIES

Significance: Regulatory Program

Legal Authority: PL 89-665; 16 USC 470, as amended; 80 Stat. 915; 84 Stat. 204 (1970); 87 Stat. 139 (1973); 90 Stat. 1320 (1976); 92 Stat. 3467 (1978); EO 11593; 3 CFR 1971

CFR Citation: 36 CFR 800

Legal Deadline: None.

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council has prepared revisions to its regulations. These revisions implement new regulatory authorities set forth in PL 95-515 and improve the efficiency of the historic preservation review process.

Timetable:

Action	Date	FR Cite
NPRM	10/18/85	50 FR 41828
NPRM Comment Period End	01/15/86	
Final Action	09/02/86	51 FR 31115
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: John M. Fowler, Acting Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA00

[FR Doc. 87-6617 Filed 04-24-87; 8:45 am]

BILLING CODE 4310-10-T

Federal Register

Monday
April 27, 1987

Part XVIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Mr. Nicholas Chiarkas, General Counsel, 202/245-1591 (voice or TDD).

Madeleine Will,

Vice Chairperson, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Proposed Rule Stage

2689. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Legal Deadline: None.

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until sufficient research, information, and/or field experience is obtained. At present the ATBCB is reviewing the sections reserved for leased facilities and detectable tactile surface treatments. In addition to these reserved provisions, the Board has indicated that additional information would be useful on other provisions contained in the regulation and on other access issues. As materials and experience become available in these areas, the Board plans to take the appropriate action to complete or revise those requirements. Information on alternatives being considered for addressing a particular provision, and the potential costs and benefits of the action being proposed will be provided during the rulemaking process. This year, proposed rules will be developed on Detectable Tactile Surface Treatments and Leased Facilities. The last revision to the Minimum Guidelines and Requirements for Accessible Design was published 08/04/82 (47 FR 33862).

Timetable:

Leased Facilities & Detectible Warnings
NPRM 02/11/87 (52 FR 4352)
NPRM Public Comment Period End 03/13/87

Signage
NPRM 09/00/87

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Government Levels Affected: Federal

Agency Contact: **Frank Bowe,** Acting Director, Office of Research, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 472-2700**

RIN: 3014-AA00

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

2690. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1154

Legal Deadline: None.

Abstract: This final regulation sets forth procedures and policies to assure nondiscrimination on the basis of handicap in programs and activities conducted by the Board. It is patterned on the prototype regulation prepared by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9686
Final Action	04/00/87	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: **Mr. Nicholas Chiarkas,** General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA02

2691. COMPLIANCE WITH STANDARDS FOR ACCESS TO AND USE OF BUILDINGS BY HANDICAPPED PERSONS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1150

ATBCB **Final Rule Stage**

Legal Deadline: None.

Abstract: The current regulation sets forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 et seq. The Board has published an interim rule revising this regulation to provide a 180-day period for informally resolving complaints in place of the current 90-day period. This interim rule is expected to be published as a final rule. Other procedures to streamline the process may be considered in a proposed rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Request for Comment	05/22/86	51 FR 18788
Interim Final Rule Comment Period End	07/21/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: Mr. Nicholas Chiarkas, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Room 1010, Washington, DC 20202, 202 245-1801

RIN: 3014-AA03

[FR Doc. 87-6785 Filed 04-24-87; 8:45 am]

BILLING CODE 6820-BP-T

federal register

Monday
April 27, 1987

Part XIX

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #3184-4]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Regulatory agenda.

SUMMARY: EPA revises the regulatory agenda semiannually and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: For specific information on any item in the agenda, please contact the person listed with each entry.

If you have any suggestions for improving this publication, or need general information about the agenda, please call or write to Angela Tyler, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, DC 20460, (202) 382-7205.

If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Information and Regulatory Systems Division, Environmental Protection Agency, PM-223, Washington, DC 20460, (202) 382-5475.

FOR FURTHER INFORMATION CONTACT: Angela Tyler, (202) 382-7205.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

The statutory areas covered in the agenda are:

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Toxic Substances Control Act (TSCA)
Asbestos Hazard Emergency Response Act (AHERA)
Clean Water Act (CWA)
Marine, Protection, Research, and Sanctuaries Act (MPRSA)
Atomic Energy Act (AEA)
Safe Drinking Water Act (SDWA)
Resource Conservation and Recovery Act (RCRA)
Hazardous and Solid Waste Management Act (HSWA)
Clean Air Act (CAA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Superfund Amendments and Reauthorization Act (SARA)
General -- Other Acts (including general grant and procurement regulations and regulations that cut across several program areas)

Congress has passed or reauthorized several statutes for which EPA has responsibility. These include the SDWA amended on June 19, 1986; SARA signed on October 17, 1986; the Asbestos Hazard Emergency Response Act signed on October 22, 1986; and the Clean Water Act reauthorized as the Water Quality Act in February, 1987. Some of the new information presented in this agenda is part of these legislations. Each law is described below.

Safe Drinking Water Act Amendments (SDWAA)

These amendments direct EPA to:

- Set Maximum Contaminant Level Goals (MCLGs); which are non-enforceable health goals, and Maximum Contaminant Levels (MCLs) for 83 specific contaminants and other contaminants found in drinking water which may have any adverse effect on human health, and which is known or anticipated to occur in public water systems;
- Develop National Primary Drinking Water Regulations for the 83 specific contaminants, and any other contaminants found in drinking water;
- Set MCLs as close as is feasible to the MCLG, and propose and promulgate the MCLG with the MCL;
- Set monitoring requirements for at least 25 of the other contaminants found in drinking water, and review the monitoring requirements every three years;
- Set monitoring requirements for contaminants found in drinking water that are not regulated;
- Establish criteria from which States can determine which surface water systems must install filtration; and
- Develop a treatment technique regulation that will require all public water systems to use disinfection.

Superfund Amendments and Reauthorization Act (SARA)

These amendments increase Superfund revenues to $8.5 billion, and strengthen the EPA's authority to conduct short-term (removal) long-term (remedial) and enforcement actions. The amendments also strenghten State involvement in the cleanup process and the Agency's commitment to research and development, training, assessments, and public participation. SARA also establishes a number of new authorities. The largest of the new authorities is the Community-Right-To-Know program. This program establishes requirements for Federal, State, and local governments and industry regarding emergency planning and reporting on hazardous and toxic chemicals. This program will also help to increase the public's knowledge and access to information on the presence of hazardous chemicals in their communities and releases of these chemicals into the environment.

Asbestos Hazard Emergency Response Act (AHERA)

Under AHERA, EPA is directed to promulgate regulations which provide a framework for addressing asbestos problems in public and private schools. The statute sets deadlines of 180 days after enactment for EPA to issue proposed rules and 360 days for issuance of final rules. EPA must develop regulations which include requirements for: inspecting all school buildings for asbestos-containing materials (ACM); identifying circumstances requiring response actions; describing appropriate response actions; implementing response actions; establishing a periodic surveillance program for ACM; establishing an operations and maintenance program for friable ACM; preparing and implementing asbestos management plans by local educational agencies; and transporting and disposing waste ACM from schools.

Water Quality Act (WQA)

The major provisions of the Water Quality Act are to:

- Establish a construction grants phase-out program to end funding after fiscal year 1990;
- Create State revolving loan funds for municipal systems;
- Extend deadlines for compliance with Best Available Technology Economically Achievable (BAT) and Best Conventional Technology (BCT) effluent guidelines, pretreatment, and other deadlines;

- Create statutory authority for setting alternative effluent limitations based on fundamentally different factors (FDF);
- Preclude backsliding from existing permit requirements except in a few narrowly defined situations;
- Require States, or EPA, take specific steps to establish and meet water quality standards (WQS) for individual toxic pollutants, where BAT controls are not sufficient;
- Require States, or EPA, to develop programs for controlling nonpoint sources (NPS) and establishes a matching grants program of implementing controls;
- Establish a phased approach to the control of stormwater discharges;
- Require EPA to identify toxic pollutants in sewage sludge and issue regulations to control them;
- Provide EPA new authority for administrative penalties for violations and increase court-assessed civil and criminal penalties for violations;
- Set stricter criteria for larger municipalities seeking waivers from the secondary treatment requirements for publicly-owned treatment works' (POTWs) discharges to marine waters; and
- Specifically authorize a National Estuary Program whereby EPA may convene management conferences to develop comprehensive conservation and management plans; and provide for grants to aid plan development and implementation.

Organization of the Agenda

The agenda is organized by statutory area, in the order that they appear in the previous section on statutes covered. In a few cases, the agenda combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Fuel Economy Test Procedures regulation under the Energy Policy and Conservation Act appears together with mobile source regulations under the CAA.

The regulations are ordered numerically, by section number of the authorizing legislation. For example, all water regulations under section 402 appear before those under section 405.

Within each statutory area the entries are divided into four categories: (1) Prerule Stage; (2) Proposed Rule Stage; (3) Final Rule Stage; and (4) Completed Actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

Appendix A includes a list of abbreviations of terms used in this document.

I. Prerulemakings

Prerulemaking actions are those activities underway at EPA that are intended to determine whether, or how, to initiate rulemaking. These activities would occur prior to proposed rulemaking, and include anything that influences or leads to rulemaking. These activities include advance notices of proposed rulemaking; significant studies or analyses of the possible need for regulatory action; requests for public comment on the need for regulatory action; or important regulatory policy proposals.

This section also includes existing EPA regulations: (1) That are now under review, or (2) whose review will begin before EPA publishes the next agenda. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, these reviews will appear in the completed section of the agenda. If EPA decides to review or rescind the regulation, the action will appear in the following agenda with an entry in the proposed rule section, and will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases is different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to establish annually the Administration's Regulatory Program. It defines priority activities that the Agency will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities across different agencies and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that EPA should review its regulations to ensure that the costs of these regulations are justified by their benefits.

The Regulatory Flexibility Act requires that EPA review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment on the need to revise the list of regulations EPA is reviewing under the Regulatory Flexibility Act.

Reviews under the RFA are identified by a "Yes" in the "small entity" category. When the Agency completes reviews of regulations with a significant impact on small entities, the agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981 plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act requires EPA to review its information collection activities to determine that the Agency needs and will actually use all of the information that will be collected. The Agency should make sure that it will manage the information as efficiently as possible. EPA must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at EPA or at some other Federal agency. In addition, the Act requires EPA to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and EPA.

II. Proposed and Final Rules

Regulations are generally listed in the agenda once they are within a year of scheduled publication as a notice of proposed rulemaking (NPRM) or final action. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections; or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for

the first time are marked with bullets (●).

This section includes all "significant" EPA regulations. Some are top priority regulations under development that:

- Are subject to Executive Order 12498; or
- The Agency has designated for priority development or revision.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:

- The title
- The priority classification (if applicable)
- The legal authority
- The CFR reference
- Legal deadline
- A short abstract
- An analysis section (if the Agency is preparing a Regulatory Impact Analysis [RIA] and/or a Regulatory Flexibility Analysis [RFA])
- A timetable of existing and scheduled actions
- A reference to small entity impacts
- An Agency contact, and
- An additional information section

The additional information section includes the FTS phone number for the Agency contact. It also includes the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes.

III. Completed Actions

These are actions that appeared in the last agenda, but which EPA is deleting because they are completed or are no longer under consideration. The information given on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) The date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the agenda.

DATED: April 16, 1987.

John M. Campbell,

Acting Assistant Administrator for Policy, Planning, and Evaluation.

Appendix A--(Abbreviations)

ANPRM - Advance Notice of Proposed Rulemaking
AOD - Argon-Oxygen Decarbonization
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
GCWR - Gross Combination Weight Rating
GVWR - Gross Vehicle Weight Rating
HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
NEPA - National Environmental Policy Act
NESHAPS - National Emission Standards for Hazardous Air Pollutants
NPDES - National Pollutant Discharge Elimination System
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyl
POTW - Publicly Owned Treatment Work
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulation Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contracts
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemical

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2692	SAR No. 2446. Certification of Pesticide Applicators	2070-AB75
2693	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2694	SAR No. 2444. Procedures for Amending and Repealing Tolerances or Exemptions from Tolerances Under Section 409 FFDCA	2070-AB78
2695	SAR No. 2317. Restricted Use Classification for Certain Active Ingredients used in Termiticides	2070-AB53
2696	SAR No. 1703. FIFRA Good Laboratory Practice Standards (Revision)	2070-AB68

EPA

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2697	SAR No. 2351. Restricted Use Rule for Groundwater Contaminating Pesticides	2070-AB69
2698	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
2699	SAR No. 2445. Experimental Use Permits (Revision)	2070-AB77
2700	SAR No. 1747. Registration of Pesticide Producing Establishments (Revision)	2070-AA04
2701	SAR No. 2006. Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AA61
2702	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49
2703	SAR No. 2352. General Listing of Pesticides as Acute Hazardous Wastes	2070-AB70

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2704	SAR No. 1964. Comprehensive Revision of Pesticide Registration and Classification Procedures (Revision)	2070-AA56
2705	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2706	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
2707	SAR No. 2314. Pesticide Advertising	2070-AB47
2708	SAR No. 2013. User Charges for Pesticide Registrations	2070-AB52

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2709	SAR No. 1828. Restricted Use Classification for Certain Active Ingredients Used in Fumigants(Revision)	2070-AA00
2710	SAR No. 2339. Toxicology Data Requirements for Antimicrobial Pesticides	2070-AB51
2711	SAR No. 1829. Restricted Use Classification for Certain Active Ingredients used in Granular Insecticides(Revision)	2070-AB49

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2712	SAR No. 2404. SARA Section 313 Toxic Chemical Release Reporting Rule	2070-AB71
2713	SAR No. 1137. Decisions on Test Rules	2070-AB07
2714	SAR No. 1886. TSCA Good Laboratory Practice Standards (Revision)	2070-AB65
2715	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
2716	In addition to the three regulatory actions scheduled for Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB66
2717	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB67
2718	SAR No. 2149. Nitrosamines in Metalworking Fluids	2070-AB09
2719	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2720	SAR No. 2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
2721	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
2722	SAR No. 2408. Asbestos Reinspection Rule	2070-AB44
2723	SAR No. 2297. PCB Spills Cleanup Policy and PCB Recordkeeping Amendments (Revision)	2070-AB45
2724	FTS:8-382-3866 SAR No. 2447. PCBs in Electrical Transformers (Revision)	2070-AB74
2725	SAR No. 2324. User Fees for TSCA PMN Revision	2070-AB54

EPA

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2726	SAR No. 2253. Dioxins/Furans: Testing Rule and Requirements for Data Submission	2070-AB21
2727	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
2728	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2729	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2730	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
2731	SAR No. 2246. Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2732	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2733	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2734	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08
2735	SAR No. 1139a. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11
2736	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2737	SAR No. 2249. Asbestos Worker Protection/Training Rule (Revision)	2070-AB24
2738	SAR No. 1680. Labeling Rule for Treated Wood	2070-AB55

Clean Water Act (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2739	SAR No. 2342. Regulations to Implement Recommendations of the Domestic Sewage Study	2040-AA99
2740	SAR No. 2213. Effluent Guidelines for Plastics Molding and Forming (Phthalates)	2040-AA77

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2741	SAR No. 2163. State Sludge Program Regulations	2040-AA73
2742	SAR No. 1910. Effluent Guidelines for Adhesives and Sealants	2040-AA30
2743	SAR No. 1413. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
2744	SAR No. 1433. Effluent Guidelines for Copper Forming (Revision)	2040-AA93
2745	SAR No. 2395. Definition of "Waters of the United States"	2040-AB01
2746	SAR No. 1866. General Pretreatment Regulations: Removal Credits (Revision)	2040-AB02
2747	SAR No. 2420. Water Quality Planning and Management Standards (Revision)	2040-AB19
2748	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90
2749	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
2750	SAR No. 1962. Secondary Treatment/Percent Removal Requirements for Combined Sewer Systems	2040-AB13
2751	SAR No. 2189. Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78
2752	SAR No. 2301. Incineration-at-Sea Site Designations (North Atlantic and Pacific)	2040-AA88
2753	SAR No. 2321. Implementation of RCRA Corrective Action for POTWs	2040-AB00

EPA

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2754	SAR No. 2300. Guidelines for Classifying Groundwater under the EPA Groundwater Protection Strategy	2040-AA85
2755	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
2756	SAR No. 1415. Effluent Guidelines for Organic Chemicals and Plastics and Synthetic Fibers	2040-AA05
2757	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2758	SAR No. 1427. Effluent Guidelines for Pharmaceuticals	2040-AA13
2759	SAR No. 1425. Effluent Guidelines for Gum and Wood (Revision)	2040-AA17
2760	SAR No. 1420. Effluent Guidelines for Rubber Processing (Revision)	2040-AA42
2761	SAR No. 1969. Effluent Guidelines for Pulp, Paper, and Paperboard (PCB's) (Revision)	2040-AA63
2762	SAR No. 1409. Effluent Guidelines for Leather Tanning (Revision)	2040-AA91
2763	SAR No. 1410. Effluent Guidelines for Nonferrous Metals: (Phase I) (Revision)	2040-AA96
2764	SAR No. 1900. General Pretreatment Regulations: Definitions for Passthrough and Interference (Revision)	2040-AA46
2765	SAR No. 1451. Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402	2040-AA34
2766	SAR No. 1579. Discharge of Oil (Revision)	2040-AA48
2767	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2768	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
2769	SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00
2770	SAR No. 2140. Ocean Incineration Regulation (Revision)	2040-AA72

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2771	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
2772	SAR No. 2073. Residual Radioactivity	2060-AB31
2773	SAR No. 1166. Ground Water Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2774	SAR No. 1162. Transuranium Elements	2060-AA01
2775	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02

Atomic Energy Act (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2776	SAR No. 1161. Guidance for Occupational Radiation Exposure (Revision)	2060-AA00

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2777	SAR No. 2254. Restriction of Deepwell Injection of Hazardous Wastes	2040-AB03
2778	SAR No. 1755. National Primary Drinking Water Regulations: Inorganic and Organic Compounds and Microbiological Contaminants and Turbidity (Revision)	2040-AA55
2779	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides (Revision)	2040-AA94

EPA

Safe Drinking Water Act (SDWA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2780	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
2781	SAR No. 2376. National Primary Drinking Water Regulations: Microbials and Filtration of Surface Drinking Water Supplies	2040-AB10
2782	SAR No. 2377. National Primary Drinking Water Regulation: Contaminants in Drinking Water that May Require Regulation	2040-AB12
2783	SAR No. 2381. Public Water Supply Supervision Program: Administrative Enforcement Implementation Procedures	2040-AB07
2784	SAR No. 2131. Underground Injection Control Program: Indian Lands	2040-AA76
2785	SAR No. 2383. Indian Primacy Regulation	2040-AB04
2786	SAR No. 2378. Public Water System Supervision Program: Ban on Lead in Plumbing	2040-AB05
2787	SAR No. 1972. Underground Injection Control Program: Administrative Enforcement Implementation Procedures	2040-AB06

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2788	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
2789	SAR No. 1567. National Primary Drinking Water Regulations: Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water	2040-AA53
2790	SAR No. 2396. National Primary Drinking Water Regulations: Inorganic and Organic Compounds	2040-AB11
2791	SAR No. 1756. Public Water Supply Supervision Program: General Public Notification Requirements and New Lead Public Notice	2040-AB08

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2792	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2793	SAR No. 2211. Restriction of Underground Injection of Certain Hazardous Wastes	2050-AB34
2794	SAR No. 2449. Determination on Wastes from the Exploration, Development on Production of Crude Oil, Natural Gas, and Geothermal Energy	2050-AC08
2795	SAR No. 2434. Management of Waste Oil as Hazardous Waste	2050-AC17
2796	SAR No. 2461. Treatment and Disposal of Hazardous Soil and Debris	2050-AC03
2797	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances- Financial Responsibility Requirements	2050-AC15

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2798	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
2799	SAR No. 2452. Land Disposal Restrictions for First Third of Scheduled Wastes	2050-AC13
2800	SAR No. 1805. Permit Modifications for Hazardous Waste Management Facilities	2050-AC22

EPA

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2801	SAR No. 2367. Corrective Action for Hazardous Releases at Federal Facilities	2050-AB63
2802	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
2803	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
2804	SAR No. 2364. Variances for Hazardous Waste Management of Radioactive Mixed Wastes	2050-AB75
2805	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
2806	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
2807	SAR No. 2277. Groundwater Monitoring at Hazardous Waste Facilities	2050-AB20
2808	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB67
2809	SAR No. 2393. Closure Requirements for Hazardous Waste Facilities	2050-AB71
2810	SAR No. 2390. Technical and Procedural Regulations for Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities	2050-AB80
2811	SAR No. 2453. Metals Emissions Controls for Hazardous Waste Incinerators (Revision)	2050-AB90
2812	SAR No. 2436. Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities	2050-AB92
2813	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
2814	SAR No. 2460. Liability Requirements for Hazardous Waste Facilities - Other Instruments	2050-AC19
2815	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Groundwater Monitoring	2050-AC05
2816	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units	2050-AC20
2817	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
2818	SAR No. 2257. Guidelines for Re-refined Oil Procured by the Federal Government	2050-AB53
2819	SAR No. 2433. Minimum Recovered Materials Content in Paper and Paper Products Procured by the Federal Government	2050-AC18
2820	SAR No. 2202, 2221, and 2256. Underground Storage Tanks - Technical Requirements	2050-AB19
2821	SAR No. 2234. Underground Storage Tanks - State Program Approval	2050-AB31
2822	SAR No. 2255. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements	2050-AB89

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2823	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AB12
2824	Separate SAR numbers are indicated for each action. Identification and Listing of Hazardous Wastes	2050-AB46
2825	SAR No. 2391. Landfill, Surface Impoundment and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
2826	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
2827	SAR No. 2068. Test Methods for Identifying Hazardous Wastes	2050-AA82
2828	SAR No. 1957. Small Quantity Generator Accumulation Tanks for Hazardous Waste	2050-AB72
2829	SAR No. 1817. Hazardous Waste Miscellaneous Units	2050-AA23
2830	SAR No. 1844. Class Permits for Storing Hazardous Wastes	2050-AA36
2831	SAR No. 2225. Financial Responsibility for Corrective Action for Continuing Releases at Hazardous Waste Management Facilities	2050-AB22
2832	SAR No. 2229 and 2273. List (Phase 1) of Hazardous Constituents for Groundwater Monitoring	2050-AB27
2833	SAR No. 2273. Liability Requirements for Hazardous Waste Facilities - Corporate Guarantee	2050-AB47
2834	SAR No. 2187. Codification Rule for the 1984 RCRA Amendments	2050-AB58
2835	SAR No. 2254. Land Disposal Restrictions for Certain Hazardous Wastes - California List	2050-AB65
2836	SAR No. 2374. Development of Corrective Ation Programs After Permitting Hazardous Waste Land Disposal Facilities	2050-AB74
2837	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
2838	SAR No. 2011. Guideline for Recovered Materials Content in Paper Products Produced by the Federal Government	2050-AA68

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2839	SAR No. 2111. Identification and Listing Acute Hazardous Waste Mixtures	2050-AA85
2840	SAR No. 2274. Identification and Listing of Hazardous Waste: Iron Dextran Delisting	2050-AB54

EPA

Resource Conservation and Recovery Act (RCRA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2841	SAR No. 2168. Proposed Reinterpretation of Mining Waste Exclusion (Smelting/Refining)(Revision)	2050-AB56
2842	SAR No. 2187. State Authorization Codification Rule	2050-AB64
2843	SAR No. 1713. Standards for the Management of Specific Hazardous Wastes: Waste Oil (Revision)	2050-AA00
2844	SAR No. 1878. Restriction of Land Disposal of Certain Hazardous Wastes: Solvents, Dioxins and Establishing the Framework for EPA's Land Disposal Program	2050-AA30
2845	SAR No. 1948. Standards for Owners/Operators of Waste Facilities: Financial Responsibility for Corrective Action-As Necessary and Desirable	2050-AB39
2846	SAR No. 1805. Consolidated Permits: Minor Modifications to Existing RCRA Permits (Revision)	2050-AA37
2847	SAR No. 2259. Guidelines for Rubber Asphalt	2050-AB52
2848	SAR No. 2556. Corrective Action Regulations for Underground Storage Tanks	2050-AB61

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2849	SAR No. 1004. Review of NAAQS for Nitrogen Dioxide	2060-AC06
2850	SAR No. 1001. Review of NAAQS for Carbon Monoxide	2060-AC07
2851	SAR No. 2387 FTS: 8-629-5601. NSPS: Coal Preparation Plants	2060-AB84
2852	SAR No. 2430. NSPS for Asphalt Processing and Asphalt Roofing Manufacturing Plants	2060-AC21
2853	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
2854	SAR No. 1869. NESHAPS: Cadmium	2060-AB92
2855	SAR No. 2365. Fuel and Fuel Additive Health Emissions Effects Testing	2060-AC10

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2856	SAR No. 1002. NAAQS for Sulfur Oxides (Revision)	2060-AA61
2857	SAR No. 1919. NAAQS: Lead	2060-AA95
2858	SAR No. 1920. NAAQS: Ozone	2060-AA96
2859	SAR No. 2428. Federal Promulgation of State Implementation Plans to Protect Visibility	2060-AC20
2860	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2861	SAR No. 1695. NSPS: Solvent Degreasing (111d)	2060-AA33
2862	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
2863	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
2864	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
2865	SAR No. 1696. NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
2866	SAR No. 2239. NSPS: Small Boilers	2060-AB95
2867	SAR No. 1686. NESHAPS: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
2868	SAR No. 1714. NESHAPS: Asbestos (Revision)	2060-AB51
2869	SAR No. 2181. NESHAPS: Chromium	2060-AB83
2870	SAR No. 2386. NESHAP: Chromium--Industrial Cooling Towers	2060-AC12
2871	SAR No. 2386. NESHAP: Chromium--Comfort Cooling Towers	2060-AC13
2872	SAR No. 2386. NESHAP: Chromium--Electroplating	2060-AC14
2873	SAR No. 2363. Hazardous Organic NESHAP	2060-AC19
2874	SAR No. 2372. Stratospheric Ozone Protection Strategy	2060-AC09
2875	SAR No. 2287. Hydrocarbon Standards for Light-Duty Trucks (Revision)	2060-AB85
2876	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB89
2877	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
2878	SAR No. 1315. Trading and Banking of Heavy-duty Engine NOx and PM Emission Credits	2060-AC05
2879	SAR No. 2416. Particulate Emission Standards for Certain 1987 and Later Model Year Light-Duty Diesel Trucks (Revision)	2060-AC18
2880	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
2881	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08
2882	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
2883	SAR No. 2215. Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59

EPA

Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2884	SAR No. 2366. Diesel Fuel Modification	2060-AC11
2885	SAR No. 2289. Fuel Economy Test Procedures; Adjustment to Test Results to Account for Test Procedure Changes (light-duty trucks)	2060-AB86
2886	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2887	SAR No. 1003. NAAQS for Particulate Matter (Revision)	2060-AA62
2888	SAR No. 1845. New Source Review (Revision)	2060-AA68
2889	SAR No. 1741. Quality Assurance Procedures, Appendix F, Procedure 1	2060-AA09
2890	SAR No. 1010. NSPS: Solvent Degreasing	2060-AA12
2891	SAR No. 1612. NSPS: Volatile Organic Liquids Storage	2060-AA23
2892	SAR No. 1615. NSPS: Rubber Products Industry-Tire Manufacturing	2060-AA24
2893	SAR No. 1618. NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process	2060-AA30
2894	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
2895	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
2896	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
2897	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
2898	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
2899	SAR No. 2075. NSPS: Industrial Boilers, S02	2060-AB33
2900	SAR No. 2186. NSPS: Cement Plants (Revision)	2060-AB38
2901	SAR No. 2236. NSPS: Surface Coating of Plastic Parts for Business Machines	2060-AB66
2902	SAR No. 2238. NSPS: Residential Wood Combustion	2060-AB68
2903	SAR No. 1928. NSPS: Magnetic Tape Manufacturing	2060-AB88
2904	NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants	2060-AC23
2905	SAR No. 1685. NESHAPS: Benzene in Coke Oven By-Product Plants	2060-AA42
2906	SAR No. 2137. NESHAPS: Mercury (Revision)	2060-AB44
2907	SAR No. 1941. "Guideline on Air Quality Models" (Revision)	2060-AB13
2908	SAR No. 2112. Emission Standards and Test Procedures for Methanol-Fueled New Motor Vehicles	2060-AB28
2909	SAR No. 1317. Importation of Motor Vehicles and Motor Vehicle Engines (Revision)	2060-AA54
2910	SAR No. 2290. Removal of Lead from EPA Certification and Test Fuels (Revision)	2060-AB87
2911	SAR No. 2145. Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
2912	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2913	SAR No. 2302. Multimode Transmission Regulation (Revision)	2060-AB90
2914	SAR No. 1503. Restructure CFR Parts 51, 52 (Revision)	2060-AB49
2915	SAR No. 2076. NSPS: Industrial Boilers--Particulate Matter and NOx	2060-AA22
2916	SAR No. 2264. NSPS: Primary Aluminum Reduction Plants	2060-AB36
2917	SAR No. 2330. NSPS: Petroleum Refineries	2060-AB93
2918	SAR No. 1971. NESHAPS: Vinyl Chloride (Revision)	2060-AB06
2919	SAR No. 2294. X-ray Test Procedures for Measuring Lead Content in Fuels	2060-AB91

EPA

Superfund (CERCLA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2920	SAR No. 2065. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
2921	SAR No. 2401. Technical Assistance Grants to Groups at National Priority List Sites	2050-AC10

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2922	SAR No. 2336. Designation and Reportable Quantities for Releases of Non-carcinogens and Non-chronic Toxicants on the Extremely Hazardous Substances List	2050-AB62
2923	SAR No. 2429. Designation and Reportable Quantities for Releases of Carcinogens and Chronic Toxicants on the Extremely Hazardous Substances List	2050-AC14
2924	SAR No. 2411 (previously listed as SAR 1642C). Reportable Quantities for Continuous Releases	2050-AA46
2925	SAR No. 2104. Reportable Quantities for Releases of Carcinogens and Other Hazardous Substances	2050-AA80
2926	SAR No. 2335. Reportable Quantities for Releases of Radionuclides	2050-AB60
2927	SAR No. 2459. Reportable Quantities for Releases of Methyl Isocyanate (MIC) and Lead	2050-AC21
2928	SAR No. 2437. Accidental Release Information Program (ARIP) for Hazardous Substance Releases	2050-AC02
2929	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan	2050-AA75
2930	SAR No. 2463. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7	2050-AC16
2931	SAR No. 2160. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
2932	SAR No. 2394. Reportable Quantities for Federally Permitted Releases	2050-AB82
2933	SAR No. 2457. Withdrawal of Arbitration Procedures and Natural Resource Claims Procedures for the Hazardous Substances Superfund	2050-AC06
2934	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
2935	SAR No. 2427. Worker Protection Standards for Hazardous Waste Operations and Emergency Response	2050-AC12

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2936	SAR No. 2077. National Priorities List for Uncontrolled Hazardous Waste Sites - Updates 3,4,5, and 6	2050-AA79
2937	SAR No. 2407. Extremely Hazardous Substances List and Threshold Planning Quantities; Emergency Planning and Release Notification Requirements	2050-AB86
2938	SAR No. 2412. Emergency and Hazardous Chemical Inventory Forms and Community Right to Know Reporting Requirements	2050-AB88
2939	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2940	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
2941	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01
2942	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06

EPA

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2943	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA(Revision)	2020-AA07
2944	SAR No. 2049. Nondiscrimination on the Basis of Handicap for Programs Conducted by EPA	2020-AA05
2945	SAR No. 2307. Notice Requirements for Citizen Suits under the SDWA	2020-AA10

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2946	SAR No. 1605. Emissions Trading Policy (Revision)	2010-AA08
2947	SAR No. 2216. Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits	2020-AA08

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Prerule Stage

2692. ● CERTIFICATION OF PESTICIDE APPLICATORS

Legal Authority: 42 USC 136/FIFRA 4

CFR Citation: 40 CFR 171

Legal Deadline: None.

Abstract: This action is intended to determine the necessity of revising existing regulations on certification of pesticide applicators. The current standards and requirements may need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/87	

Small Entity: No

Additional Information: SAR No. 2446.

FTS:382-3847

Agency Contact: Maureen Lydon, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 382-3847

RIN: 2070-AB75

2693. ● PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171.12

Legal Deadline: None.

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2406.

FTS:8-475-9580

Agency Contact: John McDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 475-9580

RIN: 2070-AB76

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2694. ● PROCEDURES FOR AMENDING AND REPEALING TOLERANCES OR EXEMPTIONS FROM TOLERANCES UNDER SECTION 409 FFDCA

Legal Authority: 21 USC 136a/FFDCA 409

CFR Citation: 40 CFR 180.32

Legal Deadline: None.

Abstract: This regulation will set forth procedures by which food additive tolerances, required by section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be amended or revoked. It may include revisions to FIFRA section3 and FFDCA section 408 regulations to make them consistent with the new regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2444.

FTS:8-557-7700

Agency Contact: Ferial Bishop, Branch Chief, Registration Support and Emergency Response, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 703 557-7700

RIN: 2070-AB78

2695. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN TERMITICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 162.31

Legal Deadline: None.

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators. This rule would classify certain active ingredients in termiticides for restricted use based on the hazards of misuse. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions, may have adverse effects on human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: SAR No. 2317.

FTS: 8-557-5096

Agency Contact: James Roelofs, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-0064

RIN: 2070-AB53

2696. FIFRA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 7 USC 136 /FIFRA 3; 21 USC 346; 21 USC 348; 21 USC 371

CFR Citation: 40 CFR 160

Legal Deadline: None.

Abstract: This action will expand the scope of the FIFRA Good Laboratory PracticeS (GLPs) to include 1) additional types of testing not covered by the current 40 CFR 160 and certain changes from the recent FDA GLP regulation amendments. Specifically, environmental fate, certain other chemistry tests, ecological effects and efficiency are among the types of tests to be added.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 1703.

FTS:8-382-5567

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, EN-342, Washington, DC 20460, 202 382-7825

RIN: 2070-AB68

2697. RESTRICTED USE RULE FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 3

CFR Citation: 40 CFR 162.30

Legal Deadline: None.

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of a tendency to leach into groundwater. Options for mitigating the hazard of pesticides having the potential for leaching into groundwater will be developed as well as criteria for classifying them for restricted use. Restricted use pesticides generally may be applied only by state certified applicators. Other restrictions on conditions or locations of use will be considered when application by skilled persons may not be sufficient to prevent pesticides from posing a hazard due to its tendency to leach into groundwater.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: SAR No. 2351.

FTS:8-557-3942.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, 202 557-3942

RIN: 2070-AB69

2698. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 42 USC 136 /FIFRA 4, 12

CFR Citation: 40 CFR Not applicable

Legal Deadline: None.

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2337.

FTS: 8-382-3949

Agency Contact: Connie Musgrove, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, D.C. 20460, 202 475-9582

RIN: 2070-AB48

2699. ● EXPERIMENTAL USE PERMITS (REVISION)

Legal Authority: 7 USC 136 /FIFRA 4

CFR Citation: 40 CFR 172

Legal Deadline: None.

Abstract: This proposed revision will amend the existing regulations (40 CFR 172) pertaining to Experimental Use Permits (EUPs) to incorporate the policies set forth in the Office of Science and Technology Policy, which were published in the Federal Register on June 26, 1986 (51 FR 23313). The existing regulations exempt prospective registrants from the requirement of obtaining an EUP if they propose to conduct tests which will involve less than 10 acres of land and less than one surface acre of water. The proposed revision would require them to notify EPA if tests are to involve genetically altered or manipulated microorganisms or nonindigenous pathogenic microorganisms and will describe certain data required to be submitted at the time of notification so that the Agency may determine whether an EUP will be required.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2445.

FTS:8-557-8196

Agency Contact: Henry Jacoby, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-8196

RIN: 2070-AB77

2700. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 7

CFR Citation: 40 CFR 167

Legal Deadline: None.

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
NPRM	04/00/87	
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1747.

FTS: 8-382-7826.

Agency Contact: Claudia R. Goforth, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070-AA04

2701. GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

Legal Authority: 7 USC 136q / FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: None.

Abstract: EPA's Office of Pesticide Programs is updating the Guidelines on Disposal and Storage of Pesticides to make them consistent with current regulations and technology. The Office of Pesticide Programs is also adding interpretive guidance on compliance with RCRA regulations on hazardous waste as they may apply to the disposal and storage of pesticides.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Additional Information: SAR No. 2006.

FTS: 8-557-7347.

Agency Contact: Raymond F. Krueger, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7347

RIN: 2070-AA61

2702. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 25

CFR Citation: 40 CFR 170

Legal Deadline: None.

Abstract: The worker protection standards for agricultural pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	06/00/87	

Small Entity: No

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA

Agency Contact: Richard Longmire, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-766C), Washington, DC 20460, 703 557-7666

RIN: 2070-AA49

2703. GENERAL LISTING OF PESTICIDES AS ACUTE HAZARDOUS WASTES

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This rule will change the way pesticides are designated as acute hazardous wastes under RCRA. Currently, some pesticides are listed by name and are regulated at all concentrations. Others are not listed, and therefore are unregulated, although equally toxic. Also, currently some products that are mixtures of ingredients are not regulated. This rulemaking will designate a pesticide product (including mixtures) as an acute hazardous waste if the product as a whole meets the hazardous waste criteria. At the same time, products now regulated at low concentrations will be eliminated from regulation because they do not as a product meet the acute criteria. The criteria will conform as closely as possible to existing FIFRA acute toxicity designations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

EPA—FIFRA — Proposed Rule Stage

Small Entity: No

Additional Information: SAR No. 2352.

FTS:8-557-0944

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, 202 557-0944

RIN: 2070-AB70

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Final Rule Stage

2704. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION AND CLASSIFICATION PROCEDURES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136(a) / FIFRA 3

CFR Citation: 40 CFR 162

Legal Deadline: None.

Abstract: These regulations will revise procedures and requirements for the registration, reregistration and classification of pesticide products as restricted use. The revisions are intended to improve the clarity of the existing rule and to integrate into the procedures aspects of the registration process, such as the Registration Standards program, which were initiated since the original regulation was promulgated.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	09/26/84	49 FR 37915
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 1964.

FTS: 8-557-0944.

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0944

RIN: 2070-AA56

2705. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None.

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2289.

FTS: 8-557-0944.

Split away from RIN: 2070-AA56

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, 703 557-0944

RIN: 2070-AB46

2706. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136 /FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None.

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6 (a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is revising it to clarify the types of information which registrants must report to EPA.

Timetable:

Policy Statement
Final Action 06/00/87

Small Entity: No

Additional Information: SAR No. 2338.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070-AB50

2707. PESTICIDE ADVERTISING

Legal Authority: 7 USC 136 /FIFRA 12, 18

CFR Citation: 40 CFR 153.12; 40 CFR 166.7

Legal Deadline: None.

Abstract: EPA is proposing to treat as unlawful under FIFRA section 12 or restrict the advertising of certain uses of pesticides authorized for experimental use, emergency use, and special local needs. The proposed policy will also address advertising of other unregistered pesticides and pesticide use patterns. This policy is intended to prevent misuse of pesticides which could cause unreasonable adverse effects on humans or the environment.

Timetable:

Interpretive Rulemaking
Final Action 08/00/87

Policy Statement
Proposal 07/03/86 (51 FR 24393)

Small Entity: No

Additional Information: SAR No. 2314.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070-AB47

2708. USER CHARGES FOR PESTICIDE REGISTRATIONS

Significance: Regulatory Program

Legal Authority: 31 USC 9701 /Independent Offices Appropriation Act of 1952

CFR Citation: 40 CFR Not applicable

Legal Deadline: None.

EPA—FIFRA **Final Rule Stage**

Abstract: Under the authority of the Independent Offices Appropriation Act (IOAA) of 1952, the Agency is proposing to establish user fees for processing pesticide registration actions which constitute special services to registrants. The Agency is also considering establishing fees for other special services such as re-registration. The proposed registration fee system would place all or part of the burden of payment for the Agency's services on those who benefit from the service rather than on the Agency.

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42974
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2013.

FTS: 8-557-1127

Agency Contact: Robert Brennis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, D.C. 20460, 703 557-1127

RIN: 2070-AB52

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) — Completed Actions

2709. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN FUMIGANTS(REVISION)

CFR Citation: 40 CFR 162.31

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/87	

Small Entity: No

Agency Contact: Douglas McKinney 703 557-9710

RIN: 2070-AA00

2710. TOXICOLOGY DATA REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES

Significance: Regulatory Program

CFR Citation: 40 CFR 158

Completed:

Reason	Date	FR Cite
End Review	01/07/87	52 FR 595

Small Entity: Undetermined

Agency Contact: James Wilson 202 557-7470

RIN: 2070-AB51

2711. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN GRANULAR INSECTICIDES(REVISION)

CFR Citation: 40 CFR 162.31

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/87	

Small Entity: No

Agency Contact: Franklin Gee 703 557-7758

RIN: 2070-AB49

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA) — Proposed Rule Stage

2712. ● SARA SECTION 313 TOXIC CHEMICAL RELEASE REPORTING RULE

Significance: Regulatory Program

Legal Authority: SARA Sec 313

CFR Citation: 40 CFR Not applicable

Legal Deadline: Statutory, December 1987.

Abstract: This action publishes a uniform Toxic Chemical Release Reporting form for the annual reporting of emissions of over 300 designated toxic chemicals and compounds to all environmental media. As required by statute, owners and operators of facilities in SIC Codes 20-39 with 10 or more full time employees must report annually on their emissions if they manufacture, process, or otherwise use a listed toxic chemical in amounts that exceed thresholds as outlined in the statute.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2404.

FTS:8-382-3667

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Michael Shapiro, Director, Economics and Technology Division, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070-AB71

2713. DECISIONS ON TEST RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: Statutory. 12-month statutory deadline

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12 month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through TSCA review processes.

Timetable:

Anilines (ITC List 4)
ANPRM 01/03/84 (49 FR 108)
NPRM 08/00/87

Anthraquinone (ITC List 15)
NPRM 11/06/85 (50 FR 46090)

Final Action 00/00/00
Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (48 FR 57452)
NPRM 00/00/00
Benzyl Butyl Phthalate (ITC List 7)
Notice 10/30/81 (46 FR 53775)
Notice 01/05/82 (47 FR 335)
NPRM 09/06/85 (50 FR 36446)
Final Action 09/00/87
Biphenyl (Test Standards)(ITC List 10)
NPRM 07/15/86 (51 FR 25577)
C.I. Disperse Blue 79 (ITC List 19)
NPRM 00/00/00
Chlorinated Benzenes (environmental)(ITC List 1)
NPRM 01/13/84 (49 FR 1760)
Final Action 09/00/87
Cresols (Test Standards) (ITC List 1)
NPRM 04/28/86 (51 FR 15803)
Final Action 05/00/87
Cumene (ITC List 15)
NPRM 11/06/85 (50 FR 46104)
Final Action 12/00/87
Cyclohexane (ITC List 18)
NPRM 05/00/87
Cyclohexanone (ITC List 4)
NPRM 01/03/84 (49 FR 136)
Final Action 00/00/00
Diethylene Glycol Butyl Ether (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 08/04/86 (51 FR 27880)
Final Action 00/00/00
Diethylenetriamine (Onco)(ITC List 8)
NPRM 05/23/85 (50 FR 21413)
Final Action 02/03/87 (52 FR 3230)
Diethylenetriamine (Test Standards)(ITC List 8)
NPRM 04/10/86 (51 FR 12344)
Final Action 02/03/87 (52 FR 3230)
Diisodecyl Phenyl Phosphate (ITC List 17)
NPRM 09/00/87
Environmental Monitoring Test Rule
NPRM 00/00/00
Ethylene Glycol Ethers Category
NPRM 05/00/87
Ethyltoluene (Test Standards)(ITC List 10)
NPRM 03/27/86 (51 FR 10557)
Final Action 01/28/87 (52 FR 2522)
Fluoroalkenes (ITC List 7)
ANPRM 10/30/81 (46 FR 53704)
NPRM 06/04/84 (49 FR 23112)
NPRM 11/06/85 (50 FR 46133)
Final Action 07/00/87
Glycidols (ITC List 3)
ANPRM 12/30/83 (48 FR 57562)
NPRM 09/00/87
Hexafluoropropylene Oxide (ITC List 2)
NPRM 12/30/83 (48 FR 57686)
Final Action 00/00/00
Hydroquinone (Test Standards)(ITC List 5)
NPRM 12/30/85 (50 FR 53160)
Final Action 02/03/87 (52 FR 3230)
ISOPROPANOL (ITC LIST 19)
NPRM 00/00/00
Mercaptobenzothiazole (ITC List 15)
NPRM 11/06/85 (50 FR 53160)
Final Action 00/00/00
Metholurea (ITC List 12)
ANPRM 05/21/84 (49 FR 21371)
NPRM 09/00/87
Methy ethyl ketoxime (ITC List 19)
NPRM 00/00/00
Methyl tert-butyl ether (ITC List 19)
NPRM 00/00/00
Methylcyclopentane (ITC List 16)
NPRM 05/15/86 (51 FR 17854)
Final Action 10/00/87
Octamethylcyclotetrasiloxane (ITC List 15)
NPRM 10/30/85 (50 FR 45123)
Final Action 09/00/87
Oleylamine (ITC List 13)
NPRM 11/19/84 (49 FR 45610)
Final Action 05/00/87
OSW Generic Test Rule
NPRM 05/00/87
Pentabromoethylbenzene (ITC List 15)
NPRM 11/13/85 (50 FR 46785)
Final Action 05/00/87
Phenol, 2,6,-bis(1,1-dimethyl ethyl) (ITC List 18)
NPRM 00/00/00
Phenylenediamines and toluenediamines (ITC List 6)
NPRM 04/00/87
Phenylenediamines and Toluenediamines (ITC List 6)
ANPRM 01/08/82 (47 FR 973)
NPRM 01/06/86 (31 FR 472)
Phosphoric acid, tri-butyl ester (ITC List 18)
NPRM 00/00/00
Propylene Oxide (Test Standards) (ITC List 1)
NPRM 11/27/85 (50 FR 48803)
Final Action 00/00/00
Tetrabromobisphenol A (ITC List 16)
NPRM 05/15/86 (51 FR 17872)
Final Action 06/00/87
Tributyl phosphate (ITC List 19)
NPRM 10/00/87
Triethylene Glycol Monomethyl,Monoethyl,Monobutyl Ethers(List16)
NPRM 05/15/86 (51 FR 17883)
Final Action 07/00/87
Trimethylbenzene (Test Standards) (List 10)
NPRM 03/27/86 (51 FR 10557)
Final Action 05/00/87
Vinylidiene Chloride
NPRM 08/12/86 (51 FR 28840)
Final Action 00/00/00
1,2-Dichloropropane (Test Standards) (ITC List 3)
NPRM 09/09/86 (51 FR 32107)
Final Action 00/00/00
2-Ethylhexanoic acid (ITC List 14)
NPRM 05/17/85 (50 FR 20678)
2-Ethylhexanol
NPRM 12/19/86 (51 FR 45487)
Final Action 00/00/00
2,(2-Butoxyethoxy) ethylacetate (DGBA) (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
2,(2-Butoxyethoxy) ethylacetate(DGBA)(ITC List 13)
NPRM 08/04/86 (51 FR 27880)
Final Action 00/00/00
2,6-Di-tert-butylphenol (ITC List 18)
NPRM 05/00/87
3,4-Dichlorobenzotrifluoride (ITC List 14)
NPRM 05/00/87

Small Entity: No

Additional Information: SAR No. 1137.

FTS: 8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 475-8130

RIN: 2070-AB07

2714. TSCA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 792

Legal Deadline: None.

Abstract: Expand the scope of the rule to include: 1) additional types of testing not covered by the current 40 CFR 792, 2) TSCA section 4 consent agreements, and 3) certain changes in the recent FDA GLP regulation amendment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1886.

FTS:8-382-5567

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, EN-342, 202 382-7825

RIN: 2070-AB65

2715. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA Section 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2247.

FTS: 8-382-3779

Agency Contact: Lynda Priddy, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3969

RIN: 2070-AB56

2716. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None.

Abstract: Under the authority of the Toxic Substances Control Act, the Agency is proposing three separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit PMNs prior to testing new microorganisms in the environment. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would require persons to notify the Agency of new environmental applications of certain pathogens. In addition, the Agency is proposing section 8(a) reporting requirements for persons who are using microorganisms in the environment but are not subject to PMN or SNUR notification requirements. The primary objective of these actions is to ensure the receipt of information on all current and future commercial uses of microorganisms in the environment, and to obtain data for use in evaluating the biotechnology programs and the biotechnology industry.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: In addition to the three regulatory actions scheduled for November, 1987, the Agency has requested information which will permit the Agency to make the necessary statutory findings to propose a section 5(h)(4) exemption to PMN requirements. The exemption would reduce regulatory requirements for biotechnology-related products of low risk.

SAR NO. 2325 (SNUR for Certain Biotech Products); 2326 (PMN for Certain Biotech Products); 2327 (8(a) for Certain Biotech Products)

FTS:8-382-3856

Agency Contact: Jane Rissler, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3856

RIN: 2070-AB66

2717. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: This rulemaking would establish criteria and procedures by which certain chemicals could be administratively added to or withdrawn from a list of chemicals subject to section 5(a)(2) of TSCA. This would reduce the time and resources required to regulate individual chemicals under the new chemical follow-up program. This rulemaking would also establish reporting requirements under sections 8(a) and 8(d) for manufacturers and processors of certain chemicals that meet the criteria mentioned above.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2375.

FTS:8-382-2439

Agency Contact: Susan Olinger, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-2439

RIN: 2070-AB67

2718. NITROSAMINES IN METALWORKING FLUIDS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 747

Legal Deadline: None.

Abstract: The formulation of water-based metalworking fluids with nitrite in combination with alkanolamines may present an unreasonable risk to machinists due to the formulation of nitrosamines, particularly n-nitrosodiethanolamine (NDELA). Recent studies indicate that NDELA is a potent animal carcinogen. EPA may either propose to prohibit the intentional addition of inorganic nitrites to water-containing metalworking fluids that contain amines, refer occupational risks to the Occupational Safety and Health Administration under section 9(a) of TSCA, or initiate other actions.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/84	49 FR 2767
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2149.

FTS: 8-382-3945.

Analysis: RFA; RIA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB09

2719. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None.

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in

the construction of manufactured nomes: 2) similarly exposed residents of conventional homes: 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. Because OSHA proposed a standard in December 1985 that applies to all occupational exposure, EPA has terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/ or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	02/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2146.

FTS: 8-382-3945.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070–AB14

2720. POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

Legal Authority: 5 USC 556 /TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: On July 10, 1984, EPA promulgated a rule for inadvertently generated PCBs and authorizing the limited use of PCBs in heat transfer and hydraulic systems (49 FR 28172). EPA will propose amendments to the July 10 Rule in response to two petitions for judicial review of the Rule. The proposed amendments will be based on EPA evaluation of new information submitted by the petitioners and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2244.

FTS:8-382-3935.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB25

2721. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None.

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some csses, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with te solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113) and their potential substitutes. This regulatory investigation is focused on four major use categories: dry cleaning, metal degreasing, paint stripping and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to eliminate or reduce exposure to these solvents.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037
NPRM	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3945**

RIN: 2070–AB41

2722. ASBESTOS REINSPECTION RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 /AHERA

CFR Citation: 40 CFR 763

Legal Deadline: None.

Abstract: On October 22, 1986, the Asbestos Hazard Emergency Response Act (AHERA) of 1986 (Public Law 99-519) was signed into law. Under AHERA, EPA is directed to promulgate regulations which provide a framework for addressing asbestos problems in public and private schools. The statute sets deadlines of 180 days after enactment for EPA to issue proposed rules and 360 days for issuance of final rules. EPA must develop regulations which include requirements for: the inspection of all school buildings for asbestos-containing materials (ACM); the identification of circumstances requiring response actions; descriptions of the appropriate response actions; the implementation of response actions; the establishment of a periodic surveillance program for ACM; the establishment of an operations and maintenance program for friable ACM; the preparation and implementation of asbestos management plans by local educational agencies; and the transportation and disposal of waste ACM from schools.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/86	51 FR 28913
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: Yes

EPA—TSCA

Proposed Rule Stage

Additional Information: SAR No. 2408.

FTS: 382-3949.

Analysis: Regulatory Flexibility Analysis; RFA

Agency Contact: Michael Stahl, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788A), Washington, DC 20460, 202 382-3934

RIN: 2070-AB44

2723. PCB SPILLS CLEANUP POLICY AND PCB RECORDKEEPING AMENDMENTS (REVISION)

Legal Authority: 15 USC 2605(e)(3)(B) / TSCA 6(e)

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: Under EPA's regulations on the disposal of PCBs, spills, leaks and other uncontrolled discharges of PCBs constitute the illegal disposal of PCBs. Because such discharges of PCBs are considered to be violations of the PCB disposal regulations, EPA requires the cleanup of contamination resulting from such discharges. This action is directed toward establishing nationwide standards under TSCA for the cleanup of PCB spills. EPA will propose amendments to the PCB recordkeeping requirements to require owners of fluid containing PCBs to maintain records of cleanup. At the same time, EPA will publish for public comment, a TSCA enforcement policy for the clean up of PCB spills.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: SAR No. 2297.

FTS: 382-3935.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070-AB45

2724. ● PCBS IN ELECTRICAL TRANSFORMERS (REVISION)

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: 40 CFR 761

Legal Deadline: None. Toxic Substances Control act, Section 6(e)

Abstract: Section 6(e) of TSCA authorizes the Administrator to promulgate rules governing the manufacture, processing and distribution in commerce, use and disposal of PCBs. EPA promulgated a rule, which was published in the Federal Register of July 17, 1985 (50 FR 29170), to amend portions of an existing EPA rule concerning the use of PCBs by placing additional restrictions and conditions on the use of PCB transformers. EPA will propose amendments to the July 17, 1985 rule in response to the terms set forth in a settlement agreement in Mississippi Power Company v. EPA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information:

FTS:8-382-3866 SAR No. 2447.

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, TS-798, Washington, DC 20460, 202 382-3866

RIN: 2070-AB74

2725. USER FEES FOR TSCA PMN REVISION

Significance: Regulatory Program

Legal Authority: 15 USC 2625 /TSCA 26(B)

CFR Citation: 40 CFR 700

Legal Deadline: None.

Abstract: Section 26(b) of TSCA authorizes EPA, by rule, to require the payment of a fee from any person required to submit data under section 4 or 5 of TSCA. The fee may not exceed $2,500 or, in the case of a small business concern, $100. EPA intends to propose a rule under this authority to require fees for Agency review of premanufacture notices (PMNs) and PMN exemption notices and applications for new chemical substances, and significant new use notices for new and existing chemicals.

Timetable:

Action	Date	FR Cite
NOTICE	07/11/86	51 FR 25250
NPRM	04/00/88	

Small Entity: No

Additional Information: SAR No. 2324.

FTS: 8-382-3945

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3945

RIN: 2070-AB54

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Final Rule Stage

2726. DIOXINS/FURANS: TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION

Significance: Regulatory Program

Legal Authority: 15 USC 2603 /TSCA 4; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 799; 40 CFR 712

Legal Deadline: None.

Abstract: EPA has proposed to collect information on chemicals containing polyhalogenated dibenzo-p-dioxins (PHDD's) and polyhalogenated dibenzofurans (PHDF's). Rules will be promulgated under section 4 and 8 requiring testing of specified chemicals to determine the presence of and levels of PHDD's and PHDF's; and to require submission of production, use, and exposure data.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51794
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 2253.

FTS:8-382-3933.

Agency Contact: Martin Halper, Environmental Protection Agency,

Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3866**

RIN: 2070-AB21

2727. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None.

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology) and adds consent orders as a means of obtaining test data required under Section 4 of TSCA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-777), Washington, DC 20460, **202 475-8130**

RIN: 2070-AB30

2728. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None.

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Epibromohydrin
NPRM 01/02/87 (52 FR 107)
Final Action 00/00/00

Hexafluoropropylene Oxide
NPRM 01/02/87 (52 FR 107)
Final Action 00/00/00

Methyl Butyl Ketone
NPRM 07/07/86 (51 FR 24551)
Final Action 07/00/87

Polybrominated Biphenyls
NPRM 07/07/86 (51 FR 24555)
Final Action 01/26/87 (52 FR 2699)

Trichlorobutylene Oxide
NPRM 01/02/87 (52 FR 107)
Final Action 00/00/00

Tris/2,3-Dibromopropyl Phosphate
NPRM 07/07/86 (51 FR 24555)
Final Action 00/00/00

11-Aminoundecanoic Acid
NPRM 07/22/86 (51 FR 26273)
Final Action 07/00/87

Small Entity: No

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AA58

2729. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None.

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Substituted Methylpyridine/Substituted 2-Phenoxypyridine
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Small Entity: No

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, **202 382-3771**

RIN: 2070-AA59

2730. GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

Abstract: Subpart A of part 721 of 40 CFR contains general provisions for Significant New Use Rules (SNURs). The Agency has received comments requesting that the general provisions be modified to revise its hazard communication provisions to make them more compatible with OSHA's Hazard Communication Standard; and to allow manufacturers and processors to seek Agency approval, outside the context of a PMN submission, for risk management measures which are equivalent to those described in a SNUR. Based on comments, EPA has proposed revisions to the general provisions for SNURs.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15104
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2250.

FTS:8-382-3771.

Agency Contact: John Bowser/Vince Giordano, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3771**

RIN: 2070-AB26

2731. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None.

EPA—TSCA

Final Rule Stage

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture or process the substance without controls. Therefore EPA, by rule, designates manufacture or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Timetable:

(84-274) (see additional information for title)
NPRM 08/26/85 (50 FR 34505)
Final Action 05/00/87

(85-1149) (see additional information for title)
NPRM 00/00/00

(85-1176) (see additional information for title)
NPRM 00/00/00

(85-564) (see additional information for title)
NPRM 00/00/00

(85-703) (see additional information for title)
NPRM 03/27/85 (50 FR 12046)
NPRM 06/23/86 (51 FR 22831)
Final Action 00/00/00

Alkyl Aryl Phosphine (83-1023)
NPRM 09/20/84 (49 FR 36880)
Final Action 00/00/00

Alkyl Glycoether Acrylic Acid Derivative(84-27)
NPRM 12/24/84 (49 FR 49868)
Final Action 05/00/87

Brominated Aryl Alkyl Ether, Ethylated Amino Phenol Amino ETC
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
FINAL ACTION (83-906/908/909/910) 00/00/00

Certain Acrylate and Methacrylate Chemicals (84-176, 180-184)
NPRM 03/27/85 (50 FR 12046)
Final Action 05/00/87

Certain Acrylate Chemicals (84-341-344)
NPRM 04/04/86 (51 FR 11591)
Final Action 00/00/00

Methylammonium n-Methyldithiocarbamate (84-1042)
Final Action 07/00/87

Methylammonium n-Methyldithiocarbamate(84-1042)
NPRM 03/24/86 (51 FR 10027)

N,N,N'N'-Tetrakis (oxiranylmethyl) 1,3-Cyclohexanedimethanamine
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 07/00/87

Polyol Polyacrylate (85-718)
NPRM 00/00/00

Substituted Benzene, Halogenated (85-612)
NPRM 00/00/00

Substituted Benzene, Halogenated (84-660 and 84-704)
NPRM 03/18/86 (51 FR 9221)
Final Action 00/00/00

Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 00/00/00

Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 00/00/00

Substituted Polyester Resin (85-395)
NPRM 00/00/00

Substituted Tetrafluoro Alkanes and Alkanes (84-105/106/107)
NPRM 03/21/85 (50 FR 11384)
Final Action 00/00/00

2-Butenedioic Acid(z), Mono'2-'(1-Oxo-2-propenyl)Oxy'Ethyl'-Ester
NPRM (85-543, 547) 00/00/00

2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl Ester
NPRM 00/00/00

2-Propenoic Acid, 2-Methyl
NPRM 00/00/00

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester
NPRM 00/00/00

Small Entity: No

Additional Information: SAR No. 2246.

FTS:8-382-3771. (85-1176) Alcohols, C1-4, ethers with Polyethylene-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-1149) Biphenol A, Polymer with Substituted alkanoic acid and Epichlorohydrin, Polyacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene!, 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroxpropyl melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-273) Poly(oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-¢(1-oxo-2-propenyl)-oxy!

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3771**

RIN: 2070–AB27

2732. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None.

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/29/85	50 FR 35182
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2150.

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB20

2733. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None.

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA has proposed a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out

all or most asbestos mining and importation over 10 years.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	01/29/86	51 FR 3738
Final Action	06/00/88	

Small Entity: Yes

Additional Information: SAR No. 2296.

FTS: 382-3849.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB29

2734. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None.

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule - (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

Timetable:

Anthraquinone
NPRM 11/06/85 (50 FR 46090)
Final Action 02/00/87
Hexafluoropropylene
NPRM 01/02/87 (52 FR 107)
Pesticide Inerts
NPRM 06/00/87
11-Aminoundecanoic Acid
NPRM 07/22/86 (51 FR 26273)
Final Action 07/00/87
19th ITC List Chemicals
Final Action 11/14/86 (51 FR 41328)
20th ITC List Chemicals
Final Action 05/00/87
21st ITC List Chemicals
Final Action 11/00/87

Small Entity: No

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, 202 382-3436

RIN: 2070-AB08

2735. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None.

Abstract: These rules add chemicals to the list of chemicals and mixture Subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

Timetable:

Pesticide Inerts
NPRM 06/00/87
Substances Contained in Water, Solid Waste and Consumer Products
NPRM 08/08/86 (51 FR 27562)
Final Action 00/00/00
19th ITC List Chemicals
Final Action 11/14/86 (51 FR 41328)
20th ITC List Chemicals
Final Action 05/00/87
21st ITC List Chemicals
Final Action 11/00/87

Small Entity: No

Additional Information: SAR No. 1139a.

FTS: 8-382-3436.

Docket No. OPTS 84012.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB11

2736. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None.

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35762
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2129.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS 778), Washington, DC 20460, 202 382-3436

RIN: 2070-AB13

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Completed Actions

2737. ASBESTOS WORKER PROTECTION/TRAINING RULE (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 763.120

Completed:

Reason	Date	FR Cite
Final Action	02/25/87	52 FR 5618

Small Entity: No

Agency Contact: Joseph DeSantis 202 382-3945

RIN: 2070-AB24

2738. LABELING RULE FOR TREATED WOOD

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/87	

Small Entity: Undetermined

Agency Contact: Jan Auerbach 703 557-7420

RIN: 2070-AB55

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Prerule Stage

2739. REGULATIONS TO IMPLEMENT RECOMMENDATIONS OF THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / Sec. 3018(b) RCRA

CFR Citation: 40 CFR 400ff; 40 CFR 122

Legal Deadline: Statutory, August 1987. Eighteen months after submission to Congress of the Domestic Sewage Study required by RCRA Sec. 3018(a). Submitted 2/8/86.

Abstract: Regulations are to be promulgated to ensure that hazardous wastes discharged to publicly owned treatment works are adequately controlled to protect human health and the environment. The ANPRM presented a spectrum of possible approaches and solicited the best ways to implement the recommendations of the Congressionally-mandated study of the RCRA domestic sewage exclusion. The study supports primary reliance on the CWA pretreatment program for regulation of aqueous hazardous waste discharged to sewers.

Timetable:

Action	Date	FR Cite
ANPRM	08/22/86	51 FR 30160
Decision on Regulatory Options	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2342.

Agency Contact: Marilyn Goode, Attorney-Advisor, Environmental Protection Agency, Water, EN-336, 202 475-9521

RIN: 2040-AA99

2740. EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING (PHTHALATES)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 463

Legal Deadline: None.

Abstract: After further study, the Agency excluded the phthalate pollutants in the plastics molding and forming waste water from regulation. Authority for this decision is the EPA-NRDC Settlement Agreement (Paragraph 8). A guidance document that permit writers can use to develop limitations for the phthalate pollutants on a case-by-case basis is now being developed.

Timetable:

Action	Date	FR Cite
Guidance Document	04/00/87	

Small Entity: No

Additional Information: SAR No. 2213.

FTS: 8-382-7150

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Robert M. Southworth, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7150

RIN: 2040-AA77

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Proposed Rule Stage

2741. STATE SLUDGE PROGRAM REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1251(b) /CWA 101(b); 33 USC 1285(j) /CWA 205(j); 33 USC 1313(e) /CWA 303(e); 33 USC 1317(b) /CWA 307(b); 33 USC 1318 /CWA 308; 33 USC 1345 /CWA 405; 33 USC 1361(a) /CWA 501(a); 33 USC 1370 /CWA 510; 42 USC 6905(b) /RCRA 1006(b); 42 USC 6907 /RCRA 1008; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6944 /RCRA 4004; 42 USC 6945 /RCRA 4005; 42 USC 7410 /CAA 110; 42 USC 7411 /CAA 111; ...

CFR Citation: 40 CFR 501

Legal Deadline: None.

Abstract: The agency proposed requiring States to develop and obtain approval for sludge management programs. Included in the proposal were: 1) program approval procedures; and 2) the elements of an approvable State program, including compliance monitoring and enforcement provisions The agency will be developing revised state program regulations to conform to

the new requirements of the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4458
Reproposal	09/30/87	
Final Action	09/30/88	

Small Entity: No

Additional Information: SAR No. 2163.

This item was listed in the April 1, 1986 to March 31, 1987 Regulatory Program of the United States Government as RIN 2040-AA73.

ADDITIONAL LEGAL AUTHORITY: Water Quality Act of 1987.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9517

RIN: 2040-AA73

2742. EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 463

Legal Deadline: None.

Abstract: The Agency has decided to exclude portions of the Adhesives and Sealants point source category from toxic pollutant regulation. Authority for this decision is provided under the EPA-NRDC Settlement Agreement, Paragraph 8. A guidance document summarizing the technical findings will be developed, however a timetable for publication has not been determined.

Timetable:

Action	Date	FR Cite
Guidance Document	00/00/00	

Small Entity: No

Additional Information: SAR No. 1910.

FTS:8-382-7190.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7190

RIN: 2040-AA30

2743. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 144.103; 40 CFR 144.104

Legal Deadline: Statutory, October 30, 1987.

Abstract: The Agency is developing BAT and NSPS for mines and mills that beneficiate gold ores by gravity separation methods. These methods include mining of placer deposits, dredge mining, and hydraulic mining operations. These limitations will apply to wastewater generated by these operations and are an addition to those subcategories for which final regulations were issued on December 3, 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/20/85	50 FR 47982
Notice new data	02/14/86	51 FR 5563
Notice	04/10/86	51 FR 12344
Notice	03/24/87	52 FR 9414
Final Action	10/30/87	

Small Entity: Yes

Additional Information: SAR No. 1413.

FTS 8-382-7191.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Willis E. Umholtz, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7191

RIN: 2040-AA65

2744. EFFLUENT GUIDELINES FOR COPPER FORMING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 468

Legal Deadline: None.

Abstract: In response to a settlement agreement (9/29/84), the Agency has promulgated amendments to the applicability of the final regulation previously issued on 8/15/83 (48 FR 26128). EPA will propose amendments to the effluent limitations and standards for the beryllium-copper forming facilities of this category.

Timetable:

Action	Date	FR Cite
NPRM	11/12/82	47 FR 51278
Final Action	08/15/83	48 FR 36942
Final Action	09/15/83	48 FR 41409
NPRM	02/04/85	50 FR 4872
NPRM	06/27/85	50 FR 26128
Final Action	08/23/85	50 FR 34242
Final Action	03/05/86	51 FR 7568
Notice	06/20/86	51 FR 22520
(Beryllium - Copper Facilities)		
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1433.

FTS: 8-382-7152.

Agency Contact: Jan Goodwin, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7152

RIN: 2040-AA93

2745. DEFINITION OF "WATERS OF THE UNITED STATES"

Legal Authority: 33 USC 1251 /CWA 303

CFR Citation: 40 CFR 122.2

Legal Deadline: None.

Abstract: This action will revise the definition of "Waters of the United States". It is necessary to replace the existing definition that was suspended in 1980.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2395.

FTS:8-475-9524

Agency Contact: David Greenburg, Environmental Protection Agency, Water, EN-336, 202 475-9524

RIN: 2040-AB01

2746. GENERAL PRETREATMENT REGULATIONS: REMOVAL CREDITS (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403.7

Legal Deadline: None.

Abstract: The Agency is preparing revisions to the removal credits provisions of the General Pretreatment

Regulations. These revisions will address the Third Circuit Court of Appeals decision overturning portions of the removal credits provision promulgated on August 3, 1984 and remanding the rule to the Agency.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1866.

FTS:8-475-9533

Agency Contact: Craig Jakubowics, Environmental Protection Agency, Water, EN-336, 202 475-9533

RIN: 2040-AB02

2747. ● WATER QUALITY PLANNING AND MANAGEMENT STANDARDS (REVISION)

Legal Authority: 42 USC 1324/CWA 314, CWA 320

CFR Citation: 40 CFR 130

Legal Deadline: None.

Abstract: EPA is developing major revisions to the existing Water Quality Planning and Management Regulations as a result of new requirements related to lake management and restoration, non-point sources management, and esturarine protection. The revisions describe the content of reports and programs which must be developed by the states and submitted to EPA for approval, eligibility for Federal grant approved programs, and the ways in which the new provisions fit into the overall quality management process.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2420.

FTS:8:-382-7160

Agency Contact: Ed Richards, Chief, Water Quality Management Branch, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, 202 382-7160

RIN: 2040-AB19

2748. FUTURE EFFLUENT GUIDELINES – STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 400

Legal Deadline: None.

Abstract: EPA will evaluate additional categories of industrial discharges for hazardous or toxic pollutants; identify subcategories based upon production processes, pollutants, and applicable technologies; and determine the extent of the environmental problem and the practicality and efficiency of issuing effluent guidelines. Potential industrial categories for analysis will be selected based on requests from the EPA regional offices, states, and municipalities and from results of internal studies. Examples of industrial categories which will be evaluated include: hazardous waste treaters; solvent, barrel, and waste oil reclaimers; hospitals; equipment manufacturers; transportation sources; industrial laundries; and several others. Regulations for these industries, if appropriate, will be based on complex engineering and economic studies to determine wastewater characteristics and treatment capabilities of each industrial category and subcategory.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

Agency Contact: Devereaux Barnes, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7120

RIN: 2040-AA90

2749. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: Statutory. One year following enactment of CWA amendments.

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act. These regulations will address: Distribution and Marketing, Application of sludge to lands which are used for Food and Non-food Chain crops, Ocean Disposal, Incineration and Landfilling. Forty-one chemicals are currently being evaluated for the various reuse and disposal options (Group I). A second group of chemicals (Group II) will be evaluated at a later date.

Timetable:

Action	Date	FR Cite
NPRM (Group I)	08/00/87	
NPRM (Group II)	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2162.

FTS: 8-475-7311.

Agency Contact: Alan Rubin, Environmental Protection Agency, Water, WH-585, Washington, DC 20460, 202 755-7311

RIN: 2040-AA74

2750. SECONDARY TREATMENT/PERCENT REMOVAL REQUIREMENTS FOR COMBINED SEWER SYSTEMS

Legal Authority: 33 USC 1311(b)(1)(B) /CWA 301(b)(1)(B); 33 USC 1314(d)(1) /CWA 304(d)(1)

CFR Citation: 40 CFR 133

Legal Deadline: Judicial, 00/00/00. As soon as possible

Abstract: In this amendment the Agency will propose a mechanism for permit adjustments for treatment plants served by Combined Sewer Systems similar to that which was recently promulgated (June 3, 1985) for separate sewer systems. The existing regulation requires 85% removal of BOD5 and suspended solids (65% for equivalent treatment) from treatment plants served by combined sewers during dry weather flow conditions. Problems exist in meeting these requirements when plants experience less concentrated influents.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1962.

FTS:8-382-7292.

Agency Contact: Joseph B. Gormley, Jr., Environmental Protection Agency, Water, (WH-595), 202 382-7292

RIN: 2040-AB13

EPA—CWA **Proposed Rule Stage**

2751. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

Legal Deadline: None.

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience, and respond to statutory amendments and the results of two lawsuits. Those lawsuits are the City of New York decision (543 F. Supp.), which involved the consideration of the need for ocean dumping and availability and impacts of land-based alternatives, and NWF v. Costle decision (629 F. 2d 118), which involved dredged material issues. Significant impacts on small entities (i.e., small business and small governmental jurisdictions) seem unlikely. The potential for such impact will be further considered as regulations are developed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2189.

FTS: 8-475-7126

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556M), Washington, DC 20460, 202 475-7126

RIN: 2040-AA78

2752. INCINERATION-AT-SEA SITE DESIGNATIONS (NORTH ATLANTIC AND PACIFIC)

Legal Authority: 33 USC 1412 (c) /MPRSA 102(c)

CFR Citation: 40 CFR 234

Legal Deadline: None.

Abstract: In response to the need to provide for the safe disposal of hazardous wastes, the Agency has proposed regulations governing at-sea incineration of hazardous wastes (50 FR 8222, February 28, 1985). Incineration of liquid wastes at-sea is a potential method to help solve the nation's hazardous waste problem. Designation of sites for incineration-at-sea is a necessary step in making this technique for waste disposal available. An incineration-at-sea site for the Gulf of Mexico was designated in 1976 and redesignated in 1982. The Agency is planning to designate additional sites in the North Atlantic and Pacific.

Timetable:

Action	Date	FR Cite
Final Designation of North Atlantic Site	00/00/00	
Proposed Designation of Pacific Site	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2301.

FTS: 8-382-7166.

Agency Contact: Tudor Davies, Environmental Protection Agency, Water, (WH-556M), Washington, DC 20460, 202 382-7166

RIN: 2040-AA88

2753. IMPLEMENTATION OF RCRA CORRECTIVE ACTION FOR POTWS

Legal Authority: 42 USC 6924 /RCRA 3004(u)

CFR Citation: 40 CFR 270.60(c)

Legal Deadline: None.

Abstract: The Agency plans to revise the Hazardous Waste Permit Program by adding provisions to cover publicly owned treatment works subject to a NPDES permit. The Agency will propose to implement corrective action requirements and make minor changes to set forth POTW obligations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2321.

FTS:8-475-7050

Agency Contact: Gary Cohen, Environmental Protection Agency, Water, EN-336, 202 475-7050

RIN: 2040-AB00

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Final Rule Stage

2754. GUIDELINES FOR CLASSIFYING GROUNDWATER UNDER THE EPA GROUNDWATER PROTECTION STRATEGY

Significance: Regulatory Program

Legal Authority: None

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: In August 1984, EPA issued Groundwater Protection Strategy to provide clear objectives to guide the Agency's efforts to protect groundwater. The strategy incorporated views of State and local governments, industry, a broad-cross section of public-interest groups, and other Federal agencies who had been invited to comment on the development of the strategy. One of the major factors toward the development of the strategy was the need to achieve greater consistency among the many EPA programs in protecting groundwater and the need to take into account its value and vulnerability in developing protection and cleanup approaches. Some EPA programs tended to factor in groundwater considerations to a greater extent than other programs. These differences were creating confusion among those subject to these regulations, and among State and local officials who were implementing EPA programs. Now EPA is looking at a rational basis for decisionmaking through these guidelines. The Agency plans to publish both draft and final guidelines.

Timetable:

Action	Date	FR Cite
Draft Guidelines	12/03/86	51 FR 43664
Final Guidelines	06/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2300.

FTS: 8-382-7077.

Agency Contact: Marian Mlay, Environmental Protection Agency,

Water, Washington, DC 20460, (WH-550G), **202 382-7077**

RIN: 2040-AA85

2755. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35, Appendix A

Legal Deadline: None.

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. This rule will not be published as a final rule until after Congress acts on reauthorization of the construction grants program.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7256.

Agency Contact: William Kramer, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, **202 382-7256**

RIN: 2040-AA70

2756. EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETIC FIBERS

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1461 / CWA 501

CFR Citation: 40 CFR 414; 40 CFR 416

Legal Deadline: Judicial, August 31, 1987.

Abstract: The Agency will promulgate BPT, BCT, BAT, NSPS and pretreatment standards for the organic chemicals portion of this industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also promulgating BPT, BAT, BCT, NSPS, and pretreatment standards for the plastics and synthetics portion of this industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, acrolein, ethylbenzene, vinyl chloride, and metals. A notice of availability and request for comments announced the availability of technical and economic data and related documentation received after proposal.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Notice	08/29/84	48 FR 34295
Notice	05/15/85	50 FR 20290
Notice of New Data	07/17/85	50 FR 29068
NOTICE	10/11/85	50 FR 41528
Final Action	08/00/87	

Small Entity: Yes

Additional Information: SAR No. 1415.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA

Agency Contact: E.H. Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA05

2757. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: Judicial, December 1985.

Abstract: The Agency will promulgate BAT and NSPS regulations for drilling fluids and drill cuttings waste streams from offshore oil and gas extraction facilities to limit discharges of pollutants from the offshore segment of the oil and gas extraction point source category.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
NOTICE	11/13/85	50 FR 46784
NOTICE	12/31/85	50 FR 53348
Final Action	05/00/88	
(Offshore)		
NPRM 08/26/85 (50 FR 34592)		

Small Entity: Undetermined

Additional Information: SAR No. 1649.

This item was included under RIN 2040-AA89 in the April 1, 1985 Regulatory Program of the United States Government.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7131**

RIN: 2040-AA12

2758. EFFLUENT GUIDELINES FOR PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None.

Abstract: EPA has promulgated final BPT, BAT, NSPS, PSES and PSNS effluent limitations and standards for the pharmaceutical manufacturing point source category. Additionally, the Agency will promulgate NSPS regulations to control the discharge of conventional pollutants from new source direct dischargers. BCT limitations have been established based on the final BCT cost test methodology (51 FR 24974). The Agency will also finalize BAT and NSPS regulations to control the discharge of the nonconventional pollutant, COD, at a later time.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
NOTICE	11/01/83	48 FR 50322
NOTICE	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
NOTICE	04/26/84	49 FR 17978
NOTICE New Data	07/02/84	49 FR 27145
NOTICE	01/31/85	50 FR 4513
NOTICE	05/01/85	50 FR 18486
NOTICE New Data	09/09/85	50 FR 36638
(BCT)		
Final Action 12/16/86 (51 FR 45094)		
(NSPS)		
Final Action 00/00/00		

Small Entity: Undetermined

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7182

RIN: 2040-AA13

2759. EFFLUENT GUIDELINES FOR GUM AND WOOD (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 454

Legal Deadline: None.

Abstract: The Agency will promulgate BPT for subcategories A through F (promulgated as interim final on May 18, 1976 and subcategory G proposed November 29, 1979). NSPS regulations for four subcategories will also be promulgated, as proposed on November 29, 1979. All seven subcategories of the gum and wood chemicals industry (proposed in 1979), have been excluded from toxic pollutant control under authority of the NRDC/EPA settlement agreement (Paragraph 8). Therefore, BAT and pretreatment standards for new and existing sources (proposed in November 1979) will be withdrawn. The Agency will publish guidance describing wastewater treatment alternatives, and the bases for the exclusion of BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/79	44 FR 68710
SUBCATEGORY G	11/29/79	44 FR 68710
Final Action	06/00/87	
Notice of Availability - Guidance Document	07/00/87	

SUBCATEGORIES A-F
Interim Final Rule 07/18/76 (41 FR 20511)

WITHDRAWAL (BAT/PRETREATMENT)
NOTICE 06/00/87

Small Entity: No

Additional Information: SAR No. 1425.

FTS:8-382-7186.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Richard E. Williams, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7186

RIN: 2040-AA17

2760. EFFLUENT GUIDELINES FOR RUBBER PROCESSING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 428

Legal Deadline: None.

Abstract: EPA will collect new wastewater data from rubber processing facilities for nine subcategories as part of a staged regulatory review now scheduled to run from FY 87 through FY 90 since data obtained from the Organic Chemicals/Plastics and Synthetic Fibers project will be examined for technology transfer opportunities. In addition, lead limits for three subcategories were studied and revisions to these limits will also be made. Rubber reclaimers, covered by subparts H and I, have been re-examined for BCT, BAT, and NSPS regulations; national regulations will not be issued.

Timetable:

Action	Date	FR Cite
NPRM	12/18/79	44 FR 75016
Final Action	06/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 1420.

FTS:8-382-7172.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: J. S. Vitalis, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7172

RIN: 2040-AA42

2761. EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None.

Abstract: EPA promulgated effluent limitations standards for BPT, BAT, NSPS and PSES for the pulp, paper and paperboard point source category (40 CFR 430) including builder's paper and board mills (40 CFR 431). The final BCT methodology was published on July 9, 1986 and EPA promulgated final BCT regulations for the pulp, paper and paperboard point source category on December 17, 1986 (51 FR 45232). The Agency will promulgate PCB regulations for the fine and tissue paper sector of the de-ink subcategory and BOD5 limitations for the acetate grade production in the dissolving sulfite pulp subcategory.

Timetable:

Action	Date	FR Cite
NPRM	01/06/81	46 FR 1430
Final Action	11/18/82	47 FR 52006
Notice	01/21/83	48 FR 2804
Notice	03/30/83	48 FR 13176
Final Action	07/08/83	48 FR 31414
Notice	10/16/84	49 FR 40546
FINAL	00/00/00	

(BCT)
Final Action 12/17/86 (51 FR 45232)

(BOD5/Acetate)
NPRM 03/12/80 (45 FR 15952)

(PCB)
NPRM 11/18/82 (47 FR 52066)

(Variance Decision)
FINAL 00/00/00

Small Entity: Undetermined

Additional Information: SAR No. 1969.

FTS:8-382-7137.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Thomas O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7137

RIN: 2040-AA63

2762. EFFLUENT GUIDELINES FOR LEATHER TANNING (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304;; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307;; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 425

Legal Deadline: None.

Abstract: In response to a settlement agreement with the Tanners' Council of America (December 11, 1984), the Agency will propose and promulgate amendments to existing regulations which limit the discharge of toxic pollutants to U.S. waters and publicly owned treatment works by the leather tanning and finishing industry.

Timetable:

Action	Date	FR Cite
NPRM	01/21/87	52 FR 2370
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 1409.

FTS: 8-382-7146.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Rexford R. Gile, Jr., Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7146**

RIN: 2040-AA91

2763. EFFLUENT GUIDELINES FOR NONFERROUS METALS: (PHASE I) (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None.

Abstract: In response to settlement agreements, the Agency will promulgate amendments to the regulations previously issued on 3/8/84 (49 FR 8742). The first portion of these amendments is in response to a settlement agreement (11/27/85) affecting the primary and secondary aluminum subcategories. The proposed amendments for this segment include regulations for BAT, pretreatment, and new source standards to limit the discharge of pollutants from facilities in these subcategories. In response to a separate settlement (6/26/85), EPA promulgated amendments for the primary tungsten subcategory. These amendments addressed limitations for BPT, BAT, pretreatment and new source standards to limit the discharge of pollutants from facilities in this subcategory.

Timetable:

Action	Date	FR Cite
NPRM	02/17/83	48 FR 7032
Final Action	03/08/84	49 FR 8742
NOTICE	06/29/84	49 FR 26738
NOTICE	07/24/84	49 FR 29792
NOTICE	03/28/85	50 FR 12252
NOTICE	04/00/87	

Primary and Secondary Aluminum

NOTICE 05/20/86 (51 FR 18530)

NOTICE 04/00/87

Primary Tungsten

NOTICE 01/22/87 (52 FR 2480)

Small Entity: No

Additional Information: SAR No. 1410.

FTS: 8-382-7126

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Eleanor Zimmerman, Environmental Protection Agency, Water, (WH-552), Washington, D.C. 20460, **202 382-7126**

RIN: 2040-AA96

2764. GENERAL PRETREATMENT REGULATIONS: DEFINITIONS FOR PASSTHROUGH AND INTERFERENCE (REVISION)

Legal Authority: 33 USC 1317 / CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None.

Abstract: The Agency is preparing revisions to the Pretreatment Regulations which will redefine several terms and repromulgate other definitions of passthrough and interference. These revisions will address a remand by the Third Circuit Court of Appeals, and fulfills the request for review of the program by the President's Task Force Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	06/19/85	50 FR 25526
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1900.

FTS: 8-475-9530.

Agency Contact: Debra Clovis, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9520**

RIN: 2040-AA46

2765. HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 151

Legal Deadline: None.

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1451.

FTS:8-382-3000. RCRA/CERCLA Hotline 800-424-9346

Agency Contact: John Riley, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, **202 382-2190**

RIN: 2040-AA34

2766. DISCHARGE OF OIL (REVISION)

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 110

Legal Deadline: None.

Abstract: This regulation defines harmful quantities of oil for purposes of section 18(m)(3) of the Deepwater Port Act of 1974 and incorporates the 1977, 1978 and 1980 amendments to section 311 of the Clean Water Act (CWA). Generally, this action extends reporting requirements for oil spills beyond the continuous zone to ocean waters and provides for an exemption from section 311 for oil discharges covered under MARPOL and section 402 of the CWA.

Timetable:

Action	Date	FR Cite
NPRM	03/11/85	50 FR 9776
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 1579.

For information call the RCRA/Superfund Hotline (800-424-9346); in D.C. Metropolitan Area (382-3000).

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-2463**

RIN: 2040-AA48

EPA—CWA **Final Rule Stage**

2767. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: None.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges are in response to concerns about the difficulty of complying the April 26, 1985 deadline for application submittals. These changes will address the deadline for application submission and the information required within the application.

Timetable:

Action	Date	FR Cite
NPRM Deadline and Requirements	03/07/85	50 FR 9362
NPRM Reproposed Requirements	08/12/85	50 FR 32548
Final Action Deadline	08/29/85	50 FR 35200
Final Action	11/00/87	
Final Action Requirements	11/00/87	

Small Entity: No

Additional Information: SAR No. 2200.

FTS: 8-475-9517.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9517**

RIN: 2040-AA79

2768. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Legal Deadline: None.

Abstract: Revisions to the General Pretreatment Regulations will be proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21454
Final Action	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-475-9539.

Agency Contact: Hans Bjornson, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9539**

RIN: 2040-AA81

2769. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 / CWA 404

CFR Citation: 40 CFR 124; 40 CFR 232; 40 CFR 233

Legal Deadline: None.

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. In response to comments from the States, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations), to provide increased incentives and simplified procedures for State assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 39012
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 1973.

FTS: 8-382-5043.

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2030-AA00

2770. OCEAN INCINERATION REGULATION (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1410 / MPRSA

CFR Citation: 40 CFR 234

Legal Deadline: None.

Abstract: The Agency plans to provide specific permitting regulations for the ocean incineration of liquid hazardous and nonhazardous wastes. These regulations will be an independent part of the Ocean Dumping Regulations. The existing Ocean Dumping Regulations provide no specific criteria or standards for the review of ocean incineration permit applications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2140.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 755-0100**

RIN: 2040-AA72

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Proposed Rule Stage

2771. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Legal Deadline: None.

Abstract: The Agency intends to set generally applicable standards for the disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering a criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	07/00/87	

Action	Date	FR Cite
Final Action	11/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: G. Lewis Meyer, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **202 475-9633**

RIN: 2060–AA04

2772. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201 / AEA 274; 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 194

Legal Deadline: None.

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	05/00/89	
Final Action	05/00/91	

Small Entity: Undetermined

Additional Information: SAR No. 2073.

FTS: 8-475-9620.

Analysis: Regulatory Impact Analysis

Agency Contact: Stanley Lichtman, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, **202 475-9620**

RIN: 2060–AB31

2773. GROUND WATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Legal Authority: 42 USC 2022(a) / AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None.

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards as 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 1166.

FTS:8-475-9620

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, ANR-460c, **202 475-9620**

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Final Rule Stage

2774. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranium elements in the general environment. Guidance is undergoing interagency review. The Agency has delayed the schedule for this action while it is considering the possibility of merging it with the regulatory development effort on Residual Radioactivity.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: SAR No. 1162.

FTS:8-475-9600.

Agency Contact: Gordon Burley, Environmental Protection Agency, Air and Radiation, (ANR-458), Washington, DC 20460, **202 475-9600**

RIN: 2060–AA01

2775. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which may pose a potential health risk.The Agency has delayed this project in order to extend the comment period on the NPRM as requested by several Federal and industry organizations.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	07/30/86	51 FR 27318
Final Action	12/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1525.

FTS: 8-475-9626.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: David E. Janes, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, **202 475-9626**

RIN: 2060–AA02

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Completed Actions

2776. GUIDANCE FOR OCCUPATIONAL RADIATION EXPOSURE (REVISION)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	01/20/87	52 FR 2822

Small Entity: No

Agency Contact: Allan Richardson 202 475-9620

RIN: 2060-AA00

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Proposed Rule Stage

2777. RESTRICTION OF DEEPWELL INJECTION OF HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: Statutory, August 1988.

Abstract: EPA must determine conditions, under which deepwell injection of hazardous waste is protective of human health and the environment. The Agency plans to develop this action as a negotiated rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	02/00/88	

Small Entity: No

Additional Information: SAR No. 2254.

FTS:8-382-5508

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, Water, WH-550, 202 382-5508

RIN: 2040-AB03

2778. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS AND MICROBIOLOGICAL CONTAMINANTS AND TURBIDITY (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1988.

Abstract: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity (coliforms and turbidity MCLs may be included in the filtration regulations). EPA will set MCLGs/MCLs monitoring for at least 40 contaminants specified in the SDWA. The Agency will base the regulations on an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	11/13/85	50 FR 46936
NPRM MCLs	06/00/87	
Final Action RMCLs	06/00/87	
Final Action MCLs	06/00/88	

Small Entity: Yes

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA55

2779. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclide in drinking water. These radionuclides include radium, uranium, radon, gross alpha, and gross beta and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	12/00/87	
Final Action RMCLs	12/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2281.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-559), Washington, DC 20460, 202 382-7575

RIN: 2040-AA94

2780. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1989.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variances will be available and variance criteria will be available. The Agency will propose MCLGs and MCLs for disinfectants and disinfection by-products.

Timetable:

Action	Date	FR Cite
NPRM RMCLs	12/00/87	
NPRM MCLs	12/00/88	
Final Action RMCLs	12/00/88	
NPRM	12/00/89	
Final Action MCLs	12/00/89	
Final Action	12/00/90	

Small Entity: Undetermined

Additional Information: SAR No. 2340.

FTS: 8-382-7575

Agency Contact: Joseph A. Cotruvo Ph.D., Environmental Protection Agency, Water, Water, WH-550D, 202 382-7575

RIN: 2040-AA97

2781. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MICROBIALS AND FILTRATION OF SURFACE DRINKING WATER SUPPLIES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, December 19, 1987.

Abstract: EPA plans to establish regulations specifying criteria that States will use to determine which surface water systems will be required to install filtration. The regulations will also address performance criteria for filtration systems. The basis of the regulations is protection from potential disease caused by Giardia, viruses, and other pathogens. MCLGs and MCLs/ monitoring requirements will also be set for microbiological contaminants, such as total coliforms and turbidity.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	04/00/87	
Final Action	12/00/87	
RMCLs		
NPRM 11/13/85 (50 FR 46936)		

Small Entity: Undetermined

Additional Information: SAR No. 2376.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550, 202 382-7575

RIN: 2040-AB10

2782. NATIONAL PRIMARY DRINKING WATER REGULATION: CONTAMINANTS IN DRINKING WATER THAT MAY REQUIRE REGULATION

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, January 1, 1988. Statutory, January 1, 1988

Abstract: A list of contaminants that may require regulation under the SDWA will be published. The Agency will then set Primary Drinking Water Regulations for any contaminant that may have any adverse effect upon the health of persons and which is known or anticipated to occur in public water systems. MCLGs and MCLs/Monitoring will be established for at least 25 of the contaminants on the list by January 1, 1991. Also, the Agency will determine which contaminants it will replace from the eighty-three contaminants that the SDWA lists for regulation. Seven substitutions are allowed. Those replaced will be put on the list of unregulated contaminants.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	01/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2377.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, 202 382-7575

RIN: 2040-AB12

2783. PUBLIC WATER SUPPLY SUPERVISION PROGRAM: ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 /SDWA 1414

CFR Citation: 40 CFR 148

Legal Deadline: None.

Abstract: EPA is required to promulgate regulations to describe procedures for the notice and opportunity for public hearing, and conference with primacy States concerning administrative orders under Section 1414(g) of the Safe Drinking Water Act. The Agency will also amend 40 CFR Part 22 to include PWS penalty assessments. NOTE: We decided to implement this initially by Guidance (signed 1/20/87).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: SAR No. 2381.

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, Water, WH-550, 202 382-5558

RIN: 2040-AB07

2784. UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Legal Deadline: None.

Abstract: EPA is required to prescribe an Underground Injection Control (UIC) program in States that do not have an approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	08/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2131.

FTS: 8-382-5558

Agency Contact: Donald M. Olson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5558

RIN: 2040-AA76

2785. INDIAN PRIMACY REGULATION

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 142; 40 CFR 145; 40 CFR 35

Legal Deadline: Statutory, December 19, 1987.

Abstract: EPA is required to promulgate final regulations, specifying conditions, under which Indian Tribes may be treated as States, be delegated primacy enforcement authorities, and receive grants for both the Underground Injection Control and the Public Water System Supervision programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	12/00/87	

Small Entity: No

EPA—SDWA **Proposed Rule Stage**

Additional Information: SAR No. 2383.

FTS:8-382-5555

Agency Contact: Al Havinga, Environmental Protection Agency, Water, Water, WH-550D, **202 382-5555**

RIN: 2040-AB04

2786. PUBLIC WATER SYSTEM SUPERVISION PROGRAM: BAN ON LEAD IN PLUMBING

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Statutory, June 19, 1988.

Abstract: EPA is required to promulgate regulations, which implement statutory provision to prohibit use of lead solders, flux and pipes in the installation or repair of public water systems and plumbing connected to public water systems. The Rule will also require public notification by public water systems of potential lead contamination sources, health effects and mitigation measures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2378.

FTS:8-382-5526

Agency Contact: John Trax, Environmental Protection Agency, Water, Water, WH-550, **202 382-5526**

RIN: 2040-AB05

2787. UNDERGROUND INJECTION CONTROL PROGRAM: ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 /SDWA 14231

CFR Citation: 40 CFR 144

Legal Deadline: None.

Abstract: EPA is required to amend Part 144 to include procedures for issuance and administration of all administrative order provision of Section 1423, as amended by the Safe Drinking Water Amendments of 1986. NOTE: We decided to implement this initially by guidance (signed 1/20/87). Now have to begin regulation process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Additional Information: SAR No. 1972.

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, Water, WH-550, **202 382-5558**

RIN: 2040-AB06

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Final Rule Stage

2788. ● INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Legal Authority: 42 USC 300 /SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Statutory, December 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorizes the EPA Administrator to treat Indian tribes as States, where appropriate. EPA is to issue associated regulations by eighteen months after the date of enactment (signed June 19, 1986). The Indian rule for the wellhead protection and sole source aquifer demonstration programs will allow Indian tribes to apply these two grant programs, treating them as States.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2440.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, (WH-550G), Washington, DC 20460, **202 382-7077**

RIN: 2040-AB18

2789. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1987.

Abstract: EPA has promulgated Maximum Contaminant Levels Goals (MCLGs) and proposed Primary Drinking Water Regulations for certain volatile synthetic organic compounds (VOCs), (including monitoring and reporting requirements for these VOCs as well as other unregulated VOCs.) The final rule will establish Maximum Contaminant Levels (MCLs) for eight VOCs, including compliance monitoring requirements. Monitoring requirements for unregulated VOCs will also be set. .

Timetable:

Action	Date	FR Cite
ANPRM Previous	07/14/76	41 FR 23991
ANPRM	03/04/82	47 FR 9350
NPRM	06/12/84	49 FR 24330
NPRM RMCLs	06/12/84	49 FR 24330
NPRM MCLs	11/13/85	50 FR 46902
Final Action RMCLs	11/13/85	50 FR 46880
Final Action MCLs	06/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1567.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, **202 382-7575**

RIN: 2040-AA53

2790. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

EPA—SDWA

Final Rule Stage

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, June 19, 1986.

Abstract: This rule will set MCLGs and MCLs/Monitoring requirements for at least 34 inorganic and organic chemicals specified in the SDWA.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
MCLs		
NPRM	07/00/87	
Final Action	06/00/88	
RMCLs		
NPRM	11/13/85	(50 FR 16936)
Final Action	03/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2396.

FTS:8-382-7575

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, Water, WH-550D, **202 382-7575**

RIN: 2040-AB11

2791. PUBLIC WATER SUPPLY SUPERVISION PROGRAM: GENERAL PUBLIC NOTIFICATION REQUIREMENTS AND NEW LEAD PUBLIC NOTICE

Legal Authority: 42 USC 300 /SDWA 141/SDWA 1417

CFR Citation: 40 CFR 141

Legal Deadline: Statutory, September 1987. Statutory, September 1987 (for general public notification)

Abstract: EPA is required to revise the regulations for notification of the public, in cases of violations of the Drinking Water regulations. The changes will allow different types and frequencies of notice, based on the severity and frequency of the violation. EPA is also required to issue new regulations to specify requirements for a public notice for the existence of lead materials in the delivery system.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1756.

FTS:8-257-2815

Agency Contact: Ralph Langemeier, Environmental Protection Agency, Water, Region VII - Water Branch, EPA, Kansas City, Mo., **913 236-2815**

RIN: 2040-AB08

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Noise Control Act (NCA)

Final Rule Stage

2792. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905 / NCA 6(a)(1)

CFR Citation: 40 CFR 51

Legal Deadline: None.

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2046.

FTS: 8-382-7403

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Dr. W. Don Franklin, Environmental Protection Agency, Air and Radiation, (A-104), **202 382-5078**

RIN: 2060-AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Prerule Stage

2793. RESTRICTION OF UNDERGROUND INJECTION OF CERTAIN HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None.

Abstract: The Hazardous Waste Disposal Amendments of 1984 Sections 201 (f) and (g) require the Administrator to investigate the disposal of Hazardous Waste through underground injection wells, and to determine whether such practices are protective of human health and the environment.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2211.

FTS: 8-382-5508.

Agency Contact: Francoise Brasier, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-550), Washington, DC 20460, **202 382-5508**

RIN: 2050-AB34

2794. ● DETERMINATION ON WASTES FROM THE EXPLORATION, DEVELOPMENT ON PRODUCTION OF CRUDE OIL, NATURAL GAS, AND GEOTHERMAL ENERGY

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: Not yet determined

Legal Deadline: Statutory, February 29, 1988.

Abstract: EPA is presently conducting studies of wastes from development of oil, gas, and geothermal energy. The studies are in response to section 8002(m) of RCRA and will culminate in a Report to Congress in August 1987. As required by RCRA section 3001(b)(2), the Agency will hold hearings on the Report and determine whether to promulgate regulations for these wastes.

Timetable:

Action	Date	FR Cite
Regulatory Determination	02/00/88	

Small Entity: Not Applicable

Additional Information: SAR No. 2449.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565, Washington DC 20460, **202 382-3608**

RIN: 2050-AC08

2795. ● MANAGEMENT OF WASTE OIL AS HAZARDOUS WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6925 /RCRA 3005; 42 USC 6930 /RCRA 3010

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: Statutory, November 8, 1986.

Abstract: EPA has made a decision (11/19/86, 51 FR 41900) not to adopt the proposed standards (11/29/85, 50 FR 49212) to control recycled used oil. Furthermore, the 11/19/86 notice delineates the Agency's intention to pursue different strategies to control used oil which is to be recycled and use oil bound for disposal. Used oil bound for disposal will be regulated either under section 6 of TSCA or under a RCRA disposal listing. The 11/19/86 notice sets out schedules for both the TSCA and RCRA regulatory development strategies. The notice states that although some controls on recycling may be promulgated in the interim, comprehensive recycling management rules will not be issued until the disposal controls, under either TSCA or RCRA, are issued. The Agency does not have a more specific schedule for proposing these recycling regulations.

Timetable:

Regulatory Determination
NOTICE 06/00/87

Small Entity: Yes

Additional Information: SAR No. 2434.

FTS:8-382-7917

Docket No. 3014

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Robert Moore, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-7917**

RIN: 2050-AC17

2796. ● TREATMENT AND DISPOSAL OF HAZARDOUS SOIL AND DEBRIS

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, January 15, 1988.

Abstract: This action establishes Best Demonstrated Available Technology (BDAT) limits for the treatment of hazardous waste constituents in soil and debris. The regulation defines the BDAT levels that must be met before Superfund wastes and RCRA corrective action type wastes may be disposed on the land. The regulation will be based on scientific studies of the best performance proficiency of various treatment technologies.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	
NPRM	12/00/87	
Final Action	11/00/88	

Small Entity: Yes

Additional Information: SAR No. 2461.

FTS:8-475-8600

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Donald White, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548A, **202 475-8600**

RIN: 2050-AC03

2797. ● UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES- FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM is being developed to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/87	
NPRM	12/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2465.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, **202 382-7903**

RIN: 2050-AC15

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Proposed Rule Stage

2798. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: Based on the mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of mining waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication.

Timetable:

Action	Date	FR Cite
NPRM	09/00/88	
Final Action	10/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2389.

FTS: 8-382-3345

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565, 202 382-3345

RIN: 2050-AB77

2799. ● LAND DISPOSAL RESTRICTIONS FOR FIRST THIRD OF SCHEDULED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6928 /RCRA 3008

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, November 8, 1988.

Abstract: This rule establishes land disposal restrictions decisions for the first group of wastes identified by the schedule. Submitted to the Congress and published May 28, 1986 (51 FR 19300). See related action in the final section.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2452.

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington DC 20460, 202 382-4770

RIN: 2050-AC13

2800. ● PERMIT MODIFICATIONS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6925 /RCRA 3004 and 3005

CFR Citation: 40 CFR 270

Legal Deadline: None.

Abstract: This regulation will amend RCRA procedures (codified at 40 CFR 270.41 and 270.42) for modifying hazardous waste management permits. The rulemaking provides EPA, authorized states, and permittees more flexibility in modifying permits, particularly where modifications will increase public and environmental protection or facilitate compliance with new regulations. At the same time, the regulation will provide for improved public participation in the permit modifications. The rule is being developed through regulatory negotiation with representatives of EPA, the states, industry, and public interest groups. RIN 2050-AA37 has been combined with this action.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 1805.

FTS 8-382-2223

Agency Contact: Frank McAlister, Section Chief, Permits Policy Section, Permits Branch, Office of Solid Waste, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, 202 382-2223

RIN: 2050-AC22

2801. CORRECTIVE ACTION FOR HAZARDOUS RELEASES AT FEDERAL FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924; 42 USC 6926 /HSWA 206

CFR Citation: 40 CFR 264; 40 CFR 271

Legal Deadline: None.

Abstract: HSWA requires corrective action for releases of hazardous wastes and constituents at hazardous waste management facilities seeking RCRA permits. Issues concerning the applicability of the HSWA corrective action requirement to Federal facilities will be covered by EPA's rules, specifically recognition of subdivisions of Federal agencies as facility "owners," limitations on Federal agency responsibility at facilities operated by private parties and policies for establishing priorities for correcting releases at Federal facilities.

Timetable:

Action	Date	FR Cite
Notice of Policy and Interpretation and Intent to Propose	03/05/86	51 FR 7722
NPRM	04/00/88	

Small Entity: Not Applicable

Additional Information: SAR No. 2367.

FTS: 8-382-2210

Agency Contact: Paul Connor, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, D.C. 20460, 202 382-2210

RIN: 2050-AB63

2802. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6927 /RCRA 3007

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner,

frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2332.

FTS: 8-475-8729

Agency Contact: Jackie Tenusak, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, D.C. 20460, 202 475-8729

RIN: 2050-AB59

2803. SOLID WASTE DISPOSAL FACILITY CRITERIA

Legal Authority: 42 USC 6907a / RCRA 1008a; 42 USC 6944 / RCRA 4004; 42 USC 6949 / RCRA 4010

CFR Citation: 40 CFR 257

Legal Deadline: Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require EPA, by November 8, 1987, to submit a report to Congress on the adequacy of the RCRA Subtitle D Criteria in protecting human health and the environment from ground-water contamination from solid waste disposal facilities and on the need for additional authorities to enforce the Criteria. EPA is revising the criteria for Subtitle D facilities that may receive hazardous household waste or small quantity generator waste. The revisions monitoring, location restrictions, and corrective action, as will include ground-water monitoring location restrictions, and corrective action requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2224.

FTS-382-4489

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Flynn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4489

RIN: 2050-AB21

2804. VARIANCES FOR HAZARDOUS WASTE MANAGEMENT OF RADIOACTIVE MIXED WASTES

Legal Authority: 42 USC 6912(A) /RCRA 1006

CFR Citation: 40 CFR 262; 40 CFR 265; 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: EPA will develop a rule which provides for variances from RCRA regulation if application of the RCRA requirements would increase radiation exposure, of if release of information from Dept. of Energy facilities is contrary to our national security interests.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2364.

FTS: 8-382-2210

Agency Contact: Betty Shackleford, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563B, 202 382-2210

RIN: 2050-AB75

2805. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 266

Legal Deadline: Statutory, November 8, 1986.

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Contains previous RIN 2050-AA29.

Analysis: Regulatory Impact Analysis

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, 202 382-7917

RIN: 2050-AA72

2806. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: Statutory, May 8, 1987.

Abstract: This action amends the interim status and permitting rules for new land disposal units (surface impoundments, waste piles, land treatment units, and land fills) and expansions of existing units. This requires double liners, leachate collection systems, leak detection systems, leak response and repair, and construction quality-assurance plans.

Timetable:

Action	Date	FR Cite
NPRM	05/08/87	
Final Action	06/15/88	

Small Entity: No

Additional Information: SAR No. 2080.

FTS-8-382-4496.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Analysis: Regulatory Impact Analysis

Agency Contact: Walter DeRieux, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-505), Washington, DC 20460, 202 382-4496

RIN: 2050-AA76

2807. GROUNDWATER MONITORING AT HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: This action will evaluate parameters and statistics for detecting ground-water contamination, and other ground-water monitoring and standards issues.

Timetable:

Action	Date	FR Cite
ANPRM	08/20/86	51 FR 29812
NPRM	06/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 2277.

FTS-382-4685

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, **202 382-4495**

RIN: 2050-AB20

2808. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.18

Legal Deadline: None.

Abstract: Section 3004(o)(7) of RCRA requires EPA to promulgate additional standards for the location of hazardous waste treatment, storage, and disposal facilities. Two location standards (floodplain and seismic restrictions) already exist at 40 CFR Part 264.18. Additional standards will specify criteria for the acceptable location of new and existing treatment, storage and disposal facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	09/00/88	

Small Entity: Yes

Additional Information: SAR No. 2303.

FTS:8-382-4658.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, **202 382-4658**

RIN: 2050-AB67

2809. CLOSURE REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: EPA will develop a rule that will identify the circumstances under which a unit that ceases to receive hazardous wastes may continue to accept solid wastes. Current regulations require that closure of a unit begin after the last receipt of hazardous wastes. The Agency intends to prepare amendments which will address subsequent use of a unit for solid waste management and coordination with other closure activities of a hazardous waste facility.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2393.

FTS: 8-475-6677

Agency Contact: Elizabeth Cotsworth, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563A, **202 475-6677**

RIN: 2050-AB71

2810. TECHNICAL AND PROCEDURAL REGULATIONS FOR CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004(u)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on corrective action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2390.

FTS:8-382-4658

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, **202 382-4497**

RIN: 2050-AB80

2811. ● METALS EMISSIONS CONTROLS FOR HAZARDOUS WASTE INCINERATORS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: The incinerator standards of Subpart (o) of Part 246 control metals emissions indirectly by limiting particulate emissions. This amendment will control metals emissions either by establishing risk-based emission limits for individual metals or by lowering the particulate emissions standard.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information: SAR No. 2453.

Analysis: Regulatory Impact Analysis

Agency Contact: Marc Turgeon, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565A, Washington DC 20460, **202 382-7919**

RIN: 2050-AB90

2812. ● STATISTICAL METHODS FOR EVALUATING GROUNDWATER MONITORING DATA FROM HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: EPA previously promulgated regulations for detecting contamination of groundwater at hazardous waste disposal facilities under the Resource Conservation and Recovery Act of 1976 (RCRA). The statistical methods for evaluating the groundwater data have been criticized by industry for a number of reasons. EPA is proposing revisions to the regulations. See related action in this Agenda section.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	06/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2436.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, Washinton DC 20460, **202 382-4685**

RIN: 2050-AB92

2813. ● PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: This proposal establishes special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information: SAR No. 2439.

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, **202 382-7729**

RIN: 2050-AC04

2814. ● LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - OTHER INSTRUMENTS

Legal Authority: 42 USC 6901 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: The Agency is considering further revisions to the financial responsibility requirements for liability coverage for third- party bodily injury and property damage resulting from accidental occurrences at hazardous waste treatment, storage, and disposal facilities. The revisions under development are intended to provide relief for hazardous waste facility owners and operators who have encountered difficulties in obtaining insurance and cannot otherwise meet liability coverage requirements. Other instruments, such as a nonparent corporate guarantee, are being analyzed for inclusion in this rulemaking. See related action in the final rule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
NPRM	09/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2460.

FTS:8-382-4780

Agency Contact: Carlos Lagos, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, **202 382-4780**

RIN: 2050-AC19

2815. ● LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUNDWATER MONITORING

Significance: Agency Priority

Legal Authority: 42 USC 3251 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: The Appendix IX of 40 CFR Part 261 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in groundwater monitoring. This proposed amendment would revise the Appendix IX list for the purposes of this use. See the related action RIN 2050-AB27.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2435.

FTS: 475-7415

Agency Contact: Jerry Gorman, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, Washington DC 20460, **202 475-7415**

RIN: 2050-AC05

2816. ● PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 3005

CFR Citation: 40 CFR 260.22; 40 CFR 261.3; 40 CFR 270.22; 40 CFR 270.32; 40 CFR 270.66

Legal Deadline: None.

Abstract: This action responds to a petition submitted to EPA by the Hazardous Waste Treatment Council (HWTC). It establishes state-wide permitting procedures for mobile hazardous waste treatment units and modifies hazardous waste delisting procedures, so that hazardous waste treatment residues could be delisted as part of the permitting process. In addition, the petition response will solicit comment on HWTC's request that EPA exempt certain treatment technologies from the requirements for hazardous waste management.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2397.

FTS:8-382-4498

Agency Contact: Robin Anderson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-

563), Washington, DC 20460, **202 382-4498**

RIN: 2050-AC20

2817. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None.

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions will be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2158.

FTS: 8-382-4823.

Agency Contact: David Levenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, **202 475-7030**

RIN: 2050-AB01

2818. GUIDELINES FOR RE-REFINED OIL PROCURED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 3251 / RCRA 6002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None.

Abstract: This action establishes the guidelines for the Federal procurement of re-refined waste lubricating oils and hydraulic fluids. This action will encourage the recovery of waste oil and reduce the environmental threat waste oil represents.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2257.

FTS-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Environmental Protection Agency, Washington, DC 20460, **202 382-4502**

RIN: 2050-AB53

2819. ● MINIMUM RECOVERED MATERIALS CONTENT IN PAPER AND PAPER PRODUCTS PROCURED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 6962 /RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: None.

Abstract: This action establishes recommended minimum levels of recovered materials in paper and paper products procured by the Federal government. The purpose of this action is to encourage the recovery of post-consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2433.

FTS:8-382-4502

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-4502**

RIN: 2050-AC18

2820. UNDERGROUND STORAGE TANKS - TECHNICAL REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6993(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory. New and Existing Petroleum Tanks (02/08/87), New Chemical Tanks (08/08/87), Existing Chemical Tanks (08/08/88)

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for release detection, prevention, and correction at all underground storage tanks holding petroleum and other regulated substances. Because of the large size of the regulated community, this rule could impact a significant number of small business entities and a Regulatory Flexibility Analysis would be conducted by EPA. Promulgation of this rule, will, for the first time, establish national requirements for the storing regulated substances, including petroleum products, in underground tanks. It will not apply to underground tanks storing non-petroleum hazardous wastes, which are currently regulated under Subtitle C of RCRA. these regulations will: include performance standards for new tanks; address the design, construction, installation, compatibility, leak detection; and specify response actions to releases.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	04/00/88	

Small Entity: Yes

Additional Information: SAR No. 2202, 2221, and 2256.

FTS 382-7815

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; RIA and RFA

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC20460, **202 382-7815**

RIN: 2050-AB19

2821. UNDERGROUND STORAGE TANKS - STATE PROGRAM APPROVAL

Legal Authority: 42 USC 6994(C) /RCRA 9004

CFR Citation: 40 CFR 281

Legal Deadline: None.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for States to apply for the EPA approval of such State programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2234.

FTS: 382-7601

EPA—RCRA — Proposed Rule Stage

Agency Contact: Jim McCormick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, 202 382-7601

RIN: 2050-AB31

2822. ● UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Statutory, February 8, 1987.

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for owners and operators to demonstrate financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an underground storage tank containing petroleum. These requirements are applicable to all owners and operators, excluding Federal and State entities. The Agency is proposing aggregate levels of coverage for multiple tanks and will allow a variety of mechanisms to provide evidence of financial responsibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	04/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2255.

FTS:8-382-7903

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Sammy Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562A), Washington, DC 20460, 202 382-7641

RIN: 2050-AB89

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Final Rule Stage

2823. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264.314; 40 CFR 265.314

Legal Deadline: Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Act of 1984. The regulation will 1) minimize the placement of containers in hazardous waste landfills, 2) minimize the placement of free liquids in containers, and 3) prohibit the use of absorbents that biodegrade and release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Final Action	11/00/87	

Small Entity: No

Additional Information: SAR No. 2207.

FTS:8-382-4658

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, 202 382-4682

RIN: 2050-AB12

2824. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: Statutory, 2/28/86 for wastes listed with (1); 11/8/85 for wastes listed with (2); None for other wastes listed.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124. The Agency may begin work at any time on the wastes listed without action dates.

Timetable:

Carbon Disulfide Production (SAR 2172)
NPRM 11/00/87
Final Action 01/00/88

Chlorinated Aliphatic Compounds (SAR 1854)(1)
NPRM 02/10/84 (49 FR 5313)
Interim Final Rule 02/10/84 (49 FR 5308)
Final Action 10/00/87

Chlorotoluenes Production (SAR 2205)(1)
NPRM 06/00/87
Final Action 00/00/00

Coal Slurry Pipeline Effluent(1)
NPRM 00/00/00
Final Action 00/00/00

Coke By-Product Wastes (SAR 2227)(1)
NPRM 00/00/00
Final Action 00/00/00

Diallate/Triallate(1)
NPRM 00/00/00
Final Action 00/00/00

Dimethoate, Methomyl and Famphur (SAR 1944)
NPRM 10/03/83 (48 FR 45210)
Final Action 00/00/00

Dimethylhydrazine (SAR 1954)(1)
NPRM 12/20/84 (49 FR 49556)
Final Action 01/00/88

Diphenylamine (SAR 2156)
NPRM 02/25/86 (51 FR 6565)
Final Action 00/00/00

Dyes and Pigments(1)
NPRM 00/00/00
Final Action 00/00/00

Halogenated Dioxin(2)
NPRM 00/00/00
Final Action 00/00/00

Hexavalent Chromium (SAR 1761)
NPRM 10/30/80 (45 FR 72029)
Final Action 00/00/00

Inorganic Chemical Industry (SAR 2235)(1)
NPRM 00/00/00
Final Action 00/00/00

Laboratory Wastes (SAR 2228)
NPRM 00/00/00
Final Action 00/00/00

Lead Alkyls Production (SAR 2173)
NPRM 03/04/86 (51 FR 7455)
Final Action 00/00/00

Linuron and Bromocil (SAR 2154)(1)
NPRM 05/01/85 (50 FR 18622)
Final Action 00/00/00

Methyl Bromide (SAR 2157)(1)
NPRM 04/25/85 (50 FR 16432)
Final Action 04/00/87

Nitroanilines Production (SAR 2171)
NPRM 00/00/00
Final Action 00/00/00

Nitrotoluenes/Toluidines (SAR 2155)
NPRM 00/00/00
Final Action 00/00/00

Paint Manufacturing (SAR 2220)(1)
NPRM 00/00/00
Final Action 00/00/00

Petroleum Refinery Fuel Oil Tank Bottoms (SAR 2458)
NPRM 06/00/87
Final Action 06/00/88

Petroleum Refinery Primary Treatment Sludge (SAR 2226)
NPRM 11/12/80 (45 FR 74893)
Final Action 11/00/88

Wood Preserving (SAR 2174)
NPRM 09/00/87
Final Action 12/00/88

Small Entity: No

Additional Information: Separate SAR numbers are indicated for each action.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in the Metropolitan Area (202-382-3000)

Agency Contact: RCRA Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **800 424-9346**

RIN: 2050-AB46

2825. LANDFILL, SURFACE IMPOUNDMENT AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None.

Abstract: This action is intended to propose an alternate closure option by which the Agency and authorized states may establish appropriate closure and post-closure requirements on a site-specific basis. The Agency will analyze detailed data concerning waste and site characteristics and all potential pathways by which hazardous constituents may migrate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2391.

FTS:8-475-8859

Agency Contact: James T. Bachmaier, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565, **202 475-8859**

RIN: 2050-AB81

2826. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Statutory, March 8, 1987. Statutory, November 8, 1986 for adding additional characteristics; March 8, 1987 for revising the extraction procedure.

Abstract: The EPA is proposing to amend its hazardous waste identification regulations by introducing a new extraction procedure to be used in the Toxicity Characteristic and by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21648
Final Action	02/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2062.

FTS-8-382-4770.

Analysis: RIA and RFA

Agency Contact: Deb Dobkowski, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-8551**

RIN: 2050-AA78

2827. TEST METHODS FOR IDENTIFYING HAZARDOUS WASTES

Legal Authority: 42 USC 6921 to 6925 / RCRA 3001 to 3005

CFR Citation: 40 CFR 261

Legal Deadline: None.

Abstract: This action updates the RCRA manual of approved test methods (test methods for Evaluating Solid Waste, SW-846). It adds additional approved methods and improves the format of the methods and the manual for ease of use.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2068.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA82

2828. SMALL QUANTITY GENERATOR ACCUMULATION TANKS FOR HAZARDOUS WASTE

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 262; 40 CFR 265

Legal Deadline: None.

Abstract: The storage or treatment of hazardous waste in tank systems raises considerable concern regarding potential risk to human health or the environment posed by migration of the waste. The purpose of this action is to develop a comprehensive regulatory strategy for the specific tank systems used by certain small quantity generators to accumulate waste prior to off-site shipment.

Timetable:

Action	Date	FR Cite
NPRM	10/09/86	51 FR 36341
Final Action	02/00/88	

Small Entity: Yes

Additional Information: SAR No. 1957.

FTS: 8-382-7917

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, **202 382-7917**

RIN: 2050-AB72

2829. HAZARDOUS WASTE MISCELLANEOUS UNITS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 266

Legal Deadline: None.

Abstract: General performance requirements will be established for hazardous waste management units that are not covered by 40 CFR Part 264, so that permits can be obtained. These types of facilities under Subpart X include deep mines, silos, salt mines, thermal treatment units, and open detonation units.

Timetable:

Action	Date	FR Cite
NPRM	11/02/86	51 FR 40726
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 1817.

Docket No. 3004.

FTS:8-382-7597.

Agency Contact: Ossi Meyn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7597

RIN: 2050-AA23

2830. CLASS PERMITS FOR STORING HAZARDOUS WASTES

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270

Legal Deadline: None.

Abstract: This regulation amends EPA's hazardous waste management permitting regulations by establishing a class permit application form for use by facilities whose only activity subject to RCRA permitting consists of storing hazardous wastes in containers that have been generated on-site. Promulgation of this rule would expedite the permitting process for this class of facility. This is the first of several RCRA class permits the Agency plans to issue.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29524
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 1844.

Docket No. 3005.

FTS:8-382-7917.

Agency Contact: Juan Baez-Martinez, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7917

RIN: 2050-AA36

2831. FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION FOR CONTINUING RELEASES AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6901 /RCRA 3004, HSWA 206

CFR Citation: 40 CFR 264

Legal Deadline: None.

Abstract: The current RCRA regulations require owners/operators of hazardous waste management facilities to demonstrate financial responsibility for the costs of closure and post closure (if applicable) activities. The HSWA also requires that owners/ operators seeking a RCRA permit demonstrate financial responsibility for completing corrective actions for known, continuing releases. EPA plans to write implementing regulations modifying financial instruments in the current hazardous waste regulations for use in providing assurance for the completion of corrective action for known releases. This rulemaking also seeks comments on whether financial responsibility for corrective action as necessary and desirable (not associated with an already identified release) should be undertaken separately or in combination with this requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37854
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2225.

FTS:8-382-4761

Analysis: Regulatory Flexibility Analysis

Agency Contact: Elizabeth Cotsworth, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563A), Washington, DC 20460, 202 382-4761

RIN: 2050-AB22

2832. LIST (PHASE 1) OF HAZARDOUS CONSTITUENTS FOR GROUNDWATER MONITORING

Significance: Agency Priority

Legal Authority: 42 USC 3251/RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None.

Abstract: Appendix VIII to 40 CFR Part 261 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in groundwater monitoring. This amendment would create a new list, Appendix IX, for the purposes of this use. See related action RIN 2050-AC05.

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26632
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2229 and 2273.

FTS 475-7415

Agency Contact: Jerry Garman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC 20460, 202 475-7415

RIN: 2050-AB27

2833. LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - CORPORATE GUARANTEE

Legal Authority: 42 USC 6901 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None.

Abstract: The Agency is authorizing use of a corporate guarantee as a mechanism for providing liability coverage for bodily injury and property damage resulting from accidental occurrences at hazardous waste treatment, storage, and disposal facilities. The corporate guarantee, though restricted to parent corporations of hazardous waste facility owners and operators, enables more firms to comply with liability coverage requirements because it is an additional mechanism to insurance and the financial test. See related action in the proposed rule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	08/25/85	50 FR 33902
Interim Final Rule	07/11/86	51 FR 25350
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 2273.

FTS-382-4780.

Agency Contact: Carlos Lago, Environmental Protection Agency, Solid

Waste and Emergency Response, (WH-563A), Washington, DC 20460, **202 382-4780**

RIN: 2050-AB47

2834. CODIFICATION RULE FOR THE 1984 RCRA AMENDMENTS

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Legal Deadline: None.

Abstract: The purpose of this rule is to expand and elaborate on specific portions of the Final Codification Rule which was effective on July 15, 1985. The Final Codification Rule codified those requirements specified by the 1984 amendments to RCRA which were effective immediately or shortly after enactment. More specifically, this rule addresses such areas as corrective action for prior releases from solid waste management units, and permit modifications and post-closure permits.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Final Action	07/00/87	

Small Entity: No

Additional Information: SAR No. 2187.

FTS 8-382-5864.

Analysis: Regulatory Impact Analysis

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563, Washington, DC 20460, **202 382-4692**

RIN: 2050-AB58

2835. LAND DISPOSAL RESTRICTIONS FOR CERTAIN HAZARDOUS WASTES - CALIFORNIA LIST

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Statutory, July 8, 1987.

Abstract: This rule establishes treatment standards and associated effective dates for a group of hazardous wastes known as the California list (i.e., liquid hazardous waste containing PCB's and liquid and solid hazardous wastes containing halogenated organics, certain metals, free cyanides, or corrosives). This rule implements the HSWA provisions for those wastes known collectively as the California list, establishing effective dates and treatment standards as necessary. See related action in the proposed section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	12/11/86	51 FR 44714
Final Action	07/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2254.

FTS: 8-382-4770

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, D.C. 20460, **202 382-4770**

RIN: 2050-AB65

2836. DEVELOPMENT OF CORRECTIVE ATION PROGRAMS AFTER PERMITTING HAZARDOUS WASTE LAND DISPOSAL FACILITIES

Legal Authority: 42 USC 6901 /RCRA 3004

CFR Citation: 40 CFR 270

Legal Deadline: None.

Abstract: Proposal would amend existing RCRA permit application regulations under 40 CFR 270.14(c)(7), (c)(8)(iii) and (c)(8)(iv). These regulations currently require owner/operators of land disposal facilities with ground water releases to submit plans for a corrective action program in the Part B application. The proposal would allow development of the corrective action program after issuance of the permit. The amendment would serve to expedite permit issuance, thereby applying Part 264 standards earlier and within Congressionally mandated timeframes. As corrective action plans for non-land disposal facilities can be submitted after permit issuance, the rule would also allow concurrent development of corrective action plans for all units at the facility.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44418
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2374.

FTS: 8-382-4422

Agency Contact: George Faison, Environmental Protection Agency, Solid Waste and Emergency Response, WH-563B, **202 382-4422**

RIN: 2050-AB74

2837. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 124; 40 CFR 270

Legal Deadline: Statutory, November 1986.

Abstract: This rule establishes minimum technology requirements for new hazardous waste landfills and surface impoundments or extensions to existing landfills and surface impoundments for double liner and leachate collection systems. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Final Action	09/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2388.

FTS: 8-382-4654

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, **202 382-4654**

RIN: 2050-AB76

2838. GUIDELINE FOR RECOVERED MATERIALS CONTENT IN PAPER PRODUCTS PRODUCED BY THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 6962 / RCRA 6002

CFR Citation: 40 CFR 250

Legal Deadline: Statutory, March 8, 1985.

Abstract: This action establishes a guideline for the Federal procurement of paper and paper products made from recovered materials. The purpose of this action is to encourage the recovery

of post- consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 14076
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2011. FTS: 8-382-4502.

Agency Contact: William Sanjour, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565 A), Washington, DC 20460, 202 382-4502

RIN: 2050-AA68

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Completed Actions

2839. IDENTIFICATION AND LISTING ACUTE HAZARDOUS WASTE MIXTURES

CFR Citation: 40 CFR 261.33

Completed:

Reason	Date	FR Cite
Postponed Indefinitely	03/00/87	

Small Entity: No

Agency Contact: Matt Straus 202 475-8551

RIN: 2050-AA85

2840. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: IRON DEXTRAN DELISTING

CFR Citation: 20 CFR 261

Completed:

Reason	Date	FR Cite
Postponed Indefinitely	03/00/87	

Small Entity: No

Agency Contact: Robert Scarberry 202 475-8551

RIN: 2050-AB54

2841. PROPOSED REINTERPRETATION OF MINING WASTE EXCLUSION (SMELTING/REFINING)(REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Final Action	10/09/86	51 FR 36233

Small Entity: Undetermined

Agency Contact: Dan Derkics 202 382-3345

RIN: 2050-AB56

2842. STATE AUTHORIZATION CODIFICATION RULE

CFR Citation: 40 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	09/22/86	51 FR 33712

Small Entity: No

Agency Contact: Martha Madison 202 382-2210

RIN: 2050-AB64

2843. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTE OIL (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	11/19/86	51 FR 41900

Small Entity: Yes

Agency Contact: Robert Moore 202 382-7917

RIN: 2050-AA00

2844. RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES: SOLVENTS, DIOXINS AND ESTABLISHING THE FRAMEWORK FOR EPA'S LAND DISPOSAL PROGRAM

Significance: Regulatory Program

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
Final Action	11/07/86	51 FR 40572

Small Entity: Undetermined

Agency Contact: Stephen Weil 202 382-4770

RIN: 2050-AA30

2845. STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION-AS NECESSARY AND DESIRABLE

CFR Citation: 40 CFR 264H; 40 CFR 265H

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AB22	03/00/87	

Small Entity: Yes

Agency Contact: Deborah Wolpe 202 382-4761

RIN: 2050-AB39

2846. CONSOLIDATED PERMITS: MINOR MODIFICATIONS TO EXISTING RCRA PERMITS (REVISION)

CFR Citation: 40 CFR 270.42

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AC22	03/00/87	

Small Entity: No

Agency Contact: David Fagann 202 382-4740

RIN: 2050-AA37

2847. GUIDELINES FOR RUBBER ASPHALT

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	03/00/87	

Small Entity: Undetermined

EPA—RCRA

Completed Actions

Agency Contact: William Sanjour 202 382-4502

RIN: 2050-AB52

2848. CORRECTIVE ACTION REGULATIONS FOR UNDERGROUND STORAGE TANKS

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AB19	02/27/87	

Small Entity: Yes

Agency Contact: David O'Brien 202 382-7815

RIN: 2050-AB61

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Prerule Stage

2849. REVIEW OF NAAQS FOR NITROGEN DIOXIDE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Legal Deadline: Statutory, December 31, 1980. Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: In June 1985, EPA completed its review of the existing annual primary and secondary NO2 NAAQS. At that time, EPA announced that it was deferring a decision on the need, if any, for a separate short-term primary standard pending the results from additional research focused on reducing the uncertainties associated with short-term health effects. In the previous Regulatory Agenda, EPA indicated that it would consider expediting the normal review schedule if the results of these ongoing studies warranted setting a separate short-term primary NO2 standard. While some of the studies are still underway, those which are complete report inconclusive and mixed results. In fact, efforts to replicate findings from earlier studies showing short-term effects have been unsuccessful. Thus, at this time, EPA does not plan to expedite the NO2 review process, but will proceed on the normal review cycle which would result in a revised Criteria Document and Staff Paper by mid-1990.

Timetable:

Action	Date	FR Cite
Complete review of criteria doc. Schedule	06/00/90	

Small Entity: No

Additional Information: SAR No. 1004.

FTS: 8-629-5655

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, N.C. 27711, **919 541-5655**

RIN: 2060-AC06

2850. REVIEW OF NAAQS FOR CARBON MONOXIDE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Statutory, December 31, 1980. Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: During the recent review of the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) (50 FR 37484, Sept. 13, 1985), it was found that the existing scientific data had shortcomings which need to be addressed through through further research. Therefore, EPA plans to carefully follow several ongoing studies on the health effects of CO. Once these studies are completed, a review will be conducted and if the results warrant a change in the CO standards, the Agency will expedite the normal review period.

Timetable:

Action	Date	FR Cite
Decision on whether changes are needed	03/00/88	

Small Entity: No

Additional Information: SAR No. 1001.

FTS: 8-629-5655

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AC07

2851. NSPS: COAL PREPARATION PLANTS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, January 1980. Four years after standards was promulgated, unless it has already been reviewed.

Abstract: EPA is reviewing the standard to determine if revisions are warranted. The review will assess performance and costs of emission control systems at coal preparations plants as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	02/11/85	
End Review	08/00/87	

Small Entity: No

Additional Information: SAR No. 2387 FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5601**

RIN: 2060-AB84

2852. ● NSPS FOR ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess

performance and costs of asphalt processing an asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	06/00/88	

Small Entity: No

Additional Information: SAR No. 2430.

FTS:8-629-5595

Agency Contact: **Kenneth Durkee,** Chief, Standards Documentation Section, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060–AC21

2853. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 1857 et seq / CAA

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Statutory. Municipal Waste Combustors requires decision by June 21, 1987

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of these pollutants. The Agency will publish the decisions whether these pollutants should be controlled as a specified air pollutant under the Clean Air Act or other regulatory mechanisms in order to protect the public health.

Timetable:

Municipal Waste Combustor Emissions
Decision on Regulation 06/00/87
Naphthalene
Decision on Regulation 09/00/87
Propylene Oxide
Decision on Regulation 08/00/87
Zinc and Zinc Oxide
Decision on Regulation 09/00/87

Small Entity: No

Additional Information: SAR No. 2181.

FTS 8-629-5645.

Agency Contact: **Kent Berry,** Assistant Director, Strategies and Air Standards Division, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060–AB56

2854. NESHAPS: CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). We are investigating emissions of cadmium and techniques that are available to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
Decision on whether to regulate	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1869.

FTS:8-629-5601

Agency Contact: **James Crowder,** Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060–AB92

2855. FUEL AND FUEL ADDITIVE HEALTH EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) CAA 0211 (e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Statutory, August 7, 1978.

Abstract: The CAA mandates that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to: 1) fuel or additive registration, and 2) introduction of the fuel or additive into the marketplace. Fuels and additives already registered or on sale would also have to undergo testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/87	

Small Entity: Yes

Additional Information: SAR No. 2365.

FTS:8-374-8408

Analysis: Regulatory Flexibility Analysis

Agency Contact: **Glenn Passavant,** Environmental Protection Agency, Air and Radiation, Motor Vehicle Emissions Lab SDSB-12, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8408**

RIN: 2060–AC10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Proposed Rule Stage

2856. NAAQS FOR SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Statutory, December 31, 1980. Statutory, Reviews due by December 31 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	07/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 1002.

Docket No. OAQPS-79-7.

FTS:8-629-5655.

Analysis: Regulatory Impact Analysis

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5655

RIN: 2060–AA61

2857. NAAQS: LEAD

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Statutory, December 1980. Statutory, Reviews due by December 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. A staff paper is in preparation for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Review	10/00/87	
NPRM	06/00/89	

Small Entity: No

Additional Information: SAR No. 1919.

FTS: 8-629-5655

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5655

RIN: 2060–AA95

2858. NAAQS: OZONE

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Statutory, December 31, 1980. Statutory, Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. EPA plans to publish a proposed rule on 02/00/88. A major issue is whether additional new averaging time standards are needed to protect the public health in light of new studies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1920.

FTS: 8-629-5655.

REVIEW AUTHORITY: CAA 109.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5655

RIN: 2060–AA96

2859. ● FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLANS TO PROTECT VISIBILITY

Legal Authority: 42 USC 7410/CAA 110; 42 USC 7491/CAA 169

CFR Citation: 40 CFR 51.300-307

Legal Deadline: Judicial, August 31, 1987.

Abstract: Section 169 of the Clean Air Act requires EPA to remedy existing and prevent future visibility impairment in certain national parks, wildernesses, and international parks. In 1980 EPA promulgated these regulations for 36 states. On July 12, 1986 EPA published Federal promulgation of SIPs to cover visibility new source review and monitoring. Under a settlement agreement EPA must propose federal promulgation of SIPs to cover the remaining elements for those states which do not submit adequate SIPs. Unless states submit revised SIPs to EPA by August 31, 1987, EPA must publish the Federal promulgation of the SIPs within 6 months of the close of the comment period on the proposal. Under settlement agreement, EPA can delay action on remedying existing impairment until August 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	11/00/87	
Remedying Existing Impairment		
NPRM	08/00/88	
Final Action	04/00/89	

Small Entity: No

Additional Information: SAR No. 2428.

FTS:8-629-5540

Agency Contact: Janet Metsa, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5540

RIN: 2060–AC20

2860. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Legal Deadline: None.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. Some small perchloroethylene facilities may be affected by this standard.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on need for standard expected by	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060–AA14

2861. NSPS: SOLVENT DEGREASING (111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). This action may impact any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly. Some new issues have arisen and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Analysis: RFA

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA33

2862. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1982. Statutory - Promulgation due 8/00/82

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA37

2863. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: The scope of the SOCMI reactor processes NSPS includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million lb/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI. Furthermore, production of these large-volume chemicals is expected to have the greatest impact on nationwide VOC emissions, since the magnitude of emissions from reactor process units are generally proportional to chemical production rates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information: SAR No. 2164.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB55

2864. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	04/00/87	
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2237.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB67

2865. NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This regulation is intended to limit emissions of volatile compounds from new, modified, and reconstructed refinery wastewater systems.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 1696.

FTS: 8-629-5627

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5627**

RIN: 2060-AB81

2866. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial. Judicial - NPRM, June 1, 1989, Final September 1, 1990

Abstract: The purpose of this action is to develop new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 millions Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/00/90	

Small Entity: Yes

Additional Information: SAR No. 2239.

FTS:8-629-5595

Analysis: Regulatory Flexibility Analysis

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB95

2867. NESHAPS: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Legal Deadline: Statutory, March 1985. Statutory - Proposal due 3/00/85

Abstract: This regulation will control emissions of coke oven emissions, which have been designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging, and leaks from doors, lids or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/88	

Small Entity: No

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA48

2868. NESHAPS: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: The Agency is analyzing possible changes in the emission standards for asbestos mills, asbestos manufacturing operations, and asbestos waste disposal, and the possible addition of monitoring requirements for these sources. Possible changes in the exemptions for specified demolition and renovation operations in existing standards are also being analyzed. The Agency is considering changes in reporting requirements for demolition and renovation operations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	09/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 1714.

FTS 8-629-5578.

Agency Contact: Gilbert Wood, Chief, Standards Support Section, Environmental Protection Agency, Air and Radiation, MD-13, RTP, North Carolina, 919 541-5578

RIN: 2060-AB51

2869. NESHAPS: CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds. Also, we are investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will develop proposed standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2181.

FTS: 8-629-5601

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5601

RIN: 2060-AB83

2870. NESHAP: CHROMIUM—INDUSTRIAL COOLING TOWERS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). We are further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Because emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent, a detailed investigation on the technical feasibility of using chromium substitutes or the use of high efficiency draft eliminators is being conducted. If EPA decides that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will develop standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	12/00/89	

Small Entity: No

Additional Information: SAR No. 2386.

FTS-8-629-5601

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5601

RIN: 2060-AC12

2871. NESHAP: CHROMIUM—COMFORT COOLING TOWERS

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Because emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent, a detailed investigation of the technical feasibility of using chromium substitutes or high efficiency drift eliminators is being conducted. If EPA decides that emissions standards are warranted, either (a) chromium or hexavalent chromium will be listed under Section 112 and EPA will propose standards, or (b) standards will be proposed under Section 6 of TSCA.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	09/15/86	51 FR 32668
NPRM	08/00/87	
Final Action	12/00/88	

Small Entity: No

Additional Information: SAR No. 2386.

FTS-8-629-5578

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5678

RIN: 2060-AC13

2872. NESHAP: CHROMIUM—ELECTROPLATING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). We are further assessing the public health risks of chromium

compounds. A preliminary assessment performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. We are presently investigating in detail alternative feasible control options, and the economic, energy, and environmental impacts, and the effect on public health risks that would result from their application. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/88	
Final Action	12/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2386.

FTS-8-629-5601

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, md-13, **919 541-5601**

RIN: 2060-AC14

2873. ● HAZARDOUS ORGANIC NESHAP

Significance: Agency Priority

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: This regulation will control emissions of butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, which are designated as hazardous pollutants under Section 112. The regulation will cover the production categories and some use categories for these eight pollutants. It will require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2363.

FTS:8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AC19

2874. STRATOSPHERIC OZONE PROTECTION STRATEGY

Significance: Regulatory Program

Legal Authority: 42 USC 4547 / CAA 157

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Judicial, November 1987.

Abstract: This action initiates a comprehensive research effort by EPA to assess issues related protection of the stratosphere, as directed by Part B, Section 157 of the CAA. The plan proposed that EPA enhance its research and analysis, participate in a series of domestic and international workshops related to stratospheric ozone, and arrive at a decision by November, 1987 whether additional regulation, either domestic or international, of stratospheric perturbants, is necessary. The plan also served as a basis for a settlement agreement between EPA and NRDC in a suit now pending before the DC Circuit Court.

Timetable:

Action	Date	FR Cite
ANPRM	10/07/80	45 FR 66726
NPRM	05/00/87	
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2372.

FTS: 8-382-4036

Agency Contact: Eileen Claussen, Environmental Protection Agency, Air and Radiation, ANR-445, **202 382-7407**

RIN: 2060-AC09

2875. HYDROCARBON STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: Through this action, EPA will consider the establishment of more stringent hydrocarbon emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The new standards for lighter light-duty trucks would be no more stringent than the existing passenger car standard and an equivalently stringent standard for heavier light-duty trucks.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	11/00/87	

Small Entity: No

Additional Information: SAR No. 2287.

FTS: 8-374-8496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060-AB85

2876. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. This rule will consider options to deal with this problem including control of commercial fuel volatility and a change to certification test fuel volatility.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2318.

FTS:8-374-8339

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road,

Ann Arbor, Michigan 48105, **313 668-4339**

RIN: 2060-AB89

2877. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206;; 42 USC 7412 /CAA 212; 42 USC 7502 /CAA 172

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. Through this action, if deemed feasible and desirable, EPA will control emissions at the time of refueling.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2384.

FTS:8-374-8408

Agency Contact: James B. Weigold, Environmental Protection Agency, Air and Radiation, Research Triangle Park, NC 27711, **919 541-5641**

RIN: 2060-AC04

2878. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credit. The study has been completed and a technical workshop was held and made available to the public; in January 1987. EPA is analyzing the comments received from the public and from the workshop.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1315.

FTS: 8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, Motor Vehicle Emissions Lab SDSB-12, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4408**

RIN: 2060-AC05

2879. ● PARTICULATE EMISSION STANDARDS FOR CERTAIN 1987 AND LATER MODEL YEAR LIGHT-DUTY DIESEL TRUCKS (REVISION)

Legal Authority: 42 USC 7521/CAA 202; 42 USC 7525/CAA 206; 42 USC 7601/CAA 501

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: EPA is considering revising the particulate emission standards for light-duty diesel trucks with a loaded vehicle weight equal to or greater than 3751 pounds. The standard would be relaxed for the 1987-1990 model years, allowing manufacturers to devote their resources to developing particulate trap oxidizer technology. Then in 1991, the standard would be tightened to 0.13 grams per mile which is twice as stringent as the current applicable standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2416.

FTS:8-382-2485

Agency Contact: Carol Bengle, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, **202 382-2485**

RIN: 2060-AC18

2880. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: This action will result in amended rules to provide for certification of emissions compliance by small-volume manufacturers, including commercial importers importing vehicles into the United States. By a separate action, the Manufacturers Operations Division is considering revising its rules for nonconforming vehicle importation. This action is appropriate to improve the certification regulations and assure compliance with the exhaust emission standards, especially in light of the expected increase in certification of imported vehicles if importation rules are amended. Current rules for small-volume manufacturers were not intended to specifically apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact small businesses involved in importing motor vehicles. The likely impact of these changes will be increased costs to these businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	08/00/88	

Small Entity: Yes

Additional Information: SAR No. 2143.

FTS: 8-374-4444.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Charlie Cole, Environmental Protection Agency, Air and Radiation, ANR-455, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4444**

RIN: 2060-AB54

2881. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: The particulate standards for 1987 and later model year Light- duty Diesel Vehicles and 1991 and later model year Heavy-duty Diesel Engines may require the use of trap-oxidizers for some vehicles and engines. The existing test procedures do not directly consider emissions and fuel economy effects during trap regeneration. This revision to the test procedures will account for these trap effects.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
Final Action	09/00/88	

Small Entity: No

Additional Information: SAR No. 2373.

FTS: 8-374-8496

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, Motor Vehicle Emissions Lab SDSB-12, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060-AC08

2882. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are appropriate so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2136.

FTS: 8-374-8416.

Agency Contact: James McCargar, Environmental Protection Agency, Air and Radiation, ANR-445, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4416**

RIN: 2060-AB53

2883. FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Legal Deadline: None.

Abstract: This action will develop a voluntary "Preventative Action Program" to be used by gasoline retailers to help prevent self-serve fuel switching. Retailers will be afforded an affirmative defense to allegations of "allowing" fuel switching if they have effectively implemented this program. This action would also change the language of the fuel switching regulation to prohibit fuel switching in all vehicles designed to use unleaded gasoline, and not just those that still have an "unleaded only" label or fuel inlet restrictor.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2215.

FTS: 8-382-2633

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB59

2884. DIESEL FUEL MODIFICATION

Significance: Regulatory Program

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None.

Abstract: Trap oxidizers, the use of which may be required to meet 1991 and later model-year heavy duty diesel particulate standards, may require the use of low sulfur diesel fuels. In promulgating the particulate standard, EPA promised to examine the need for low-sulfur fuel. In addition, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will determine the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2366.

FTS:8-374-8339

Analysis: Regulatory Flexibility Analysis

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, Motor Vehicle Emissions Lab SDSB-12, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060-AC11

2885. FUEL ECONOMY TEST PROCEDURES; ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES (LIGHT-DUTY TRUCKS)

Legal Authority: 42 USC 2003 / EPCA 503

CFR Citation: 40 CFR 600

Legal Deadline: None.

Abstract: In January 1982, the United States Court of Appeals for the Sixth Circuit issued an order requiring EPA to initiate rulemaking to establish procedures for determining what, if any adjustments were due for the 1980-85 Corporate Average Fuel Economy (CAFE) test results. Adjustments for light-duty vehicles have been finalized. This rule will address the need for adjusting test results of light-duty trucks. Specifically, a supplemental proposal will consider further whether the adjustments in CAFE made for light-duty vehicles should be made for light-duty trucks.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	50 FR 27188
NPRM (Supplemental)	05/00/87	
Final Action	12/00/87	

Small Entity: No

EPA—CAA

Proposed Rule Stage

Additional Information: SAR No. 2289.

FTS: 8-374-8479.

Agency Contact: Robert Larson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4479

RIN: 2060-AB86

2886. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I,J,K,L,M,N

Legal Deadline: Statutory, May 1987.

Abstract: The purpose of this action is to investigate the magnitude of the area non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
Final Action	03/00/89	

Small Entity: Undetermined

Additional Information: SAR No. 2240.

FTS:8-629-3671.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5671

RIN: 2060-AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Final Rule Stage

2887. NAAQS FOR PARTICULATE MATTER (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.6; 40 CFR 50.7

Legal Deadline: Statutory, December 31, 1980. Statutory, Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: Particulate matter is one of the major pollutants in the ambient air. EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency proposes to revise the standards to better protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	03/20/84	49 FR 10408
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1003.

Docket No. A-79-29.

FTS:8-629-5655.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, 919 541-5655

RIN: 2060-AA62

2888. NEW SOURCE REVIEW (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6910 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None.

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 1845.

FTS:8-629-5697.

Agency Contact: David Solomon, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5697

RIN: 2060-AA68

2889. QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7414 / CAA; 42 USC 7601 / CAA

CFR Citation: 40 CFR 60, Appendix F

Legal Deadline: None.

Abstract: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	03/14/84	49 FR 9676
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1741.

Docket No. A-80-29.

FTS:8-629-2415.

Agency Contact: Darryl von Lehmden, Environmental Protection Agency, Air and Radiation, (MD-77), Research Triangle Park, NC 27711, 919 541-2415

RIN: 2060-AA09

2890. NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Legal Deadline: Statutory, September 1980. Final actin due 9/00/80

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule.

EPA—CAA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5624.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA12

2891. NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart Kb

Legal Deadline: None.

Abstract: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels (including petroleum liquid storage vessels) with capacities of 10,000 gallons or more.

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29698
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 1612.

Docket No. A-80-51.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA23

2892. NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BBB

Legal Deadline: Statutory, August 1982. Statutory: Final Action due 8/82

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2676
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1615.

Docket No. A-80-9.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA24

2893. NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None.

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA30

2894. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This regulation will control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 1733.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AA35

2895. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46464
Final Action	05/00/87	

Small Entity: No

Additional Information: SAR No. 1736.

FTS:8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AA36

2896. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the monitoring, recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 43424
Final Action	07/00/87	

Small Entity: No

Additional Information: SAR No. 2028.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5601

RIN: 2060-AB05

2897. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2044.

FTS: 8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB22

2898. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2083.

FTS: 8-629-5578.

Analysis: Regulatory Impact Analysis

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB29

2899. NSPS: INDUSTRIAL BOILERS, S02

Significance: Regulatory Program

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Judicial, June 1986. NPRM, June 1986; Final Rule, December 1987

Abstract: Industrial boilers are a significant stationary source of sulfur dioxide. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission standards upon the best available system of control taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22384
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2075.

FTS: 8-629-5578.

Analysis: Regulatory Impact Analysis; RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB33

2900. NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111; 42 USC 7414 /CAA 114

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: EPA has completed review of this action. As a result, the Agency intends to revise the monitoring requirements associated with the standard to require installation of continuous opacity monitors on all kilns and clinker coolers subject to he standards after August 17, 1971.

Timetable:

Action	Date	FR Cite
NPRM	09/10/85	50 FR 36956
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2186.

FTS: 8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB38

2901. NSPS: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, April 1986. Statutory - Final Action due 4/86

Abstract: This action would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat plastic parts for business machines.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 854
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2236.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB66

2902. NSPS: RESIDENTIAL WOOD COMBUSTION

Significance: Regulatory Program

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None. The Agency has entered into a settlement agreement under which it will taken proposed and final action by 1/31/87 and 1/31/88 respectively.

Abstract: This regulation would limit particulate matter emissions from new residential wood combustion units. A study continues to assess the performance and costs of technology utilized to control these emissions and to analyze the economic aspects of the industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/85	50 FR 31504
NPRM	02/18/87	52 FR 4994
Final Action	01/00/88	

Small Entity: Yes

Additional Information: SAR No. 2238.

FTS:8-629-5578.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Rick Colyer, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB68

2903. NSPS: MAGNETIC TAPE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None.

Abstract: This regulation is intended to limit emissions of volatile organic compounds from new, modified, and reconstructed magnetic tape manufacturing lines.

Timetable:

Action	Date	FR Cite
NPRM	01/22/86	51 FR 2996
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 1928.

FTS: 8-629-5627.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5627**

RIN: 2060-AB88

2904. ● NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Statutory, August 1986.

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing and asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
Final Action	06/00/88	

Small Entity: No

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC, **919 541-5595**

RIN: 2060-AC23

2905. NESHAPS: BENZENE IN COKE OVEN BY-PRODUCT PLANTS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: Statutory, December 1984. Statutory - Promulgation due 12/00/84

Abstract: This regulation will control benzene emissions generated by the processing of gaseous and liquid streams at coke by-product plants. The emission sources to be controlled include process equipment, storage vessels, and fugitive emissions. The standards may consist of equipment specifications, work practices, design specifications, and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23528
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 1685.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA42

2906. NESHAPS: MERCURY (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None.

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping, and reporting requirements are warranted. The review assessed the technological basis and administrative aspects of the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the monitoring, recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50146
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2137.

FTS:8-629-5578.

Agency Contact: Gilbert H. Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB44

2907. "GUIDELINE ON AIR QUALITY MODELS" (REVISION)

Legal Authority: CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None.

Abstract: These guidelines were promulgated on September 9, 1986. However, a supplemental proposed rule was also published on that date which includes: (1) addition of specific version of the Rough Terrain Dispersion Model (RTDM) as a screening model; (2) modification of the downwash algorithm of the Industrial Source Complex (ISC) model; (3) addition of the Offshore and Coastal Dispersion (OCD) model to Appendix A; and (4) addition of the AVACTA II model to Appendix B. The purpose of the proposed changes is to augment the guidance in response to a substantial

number of public comments urging the Agency to do so. EPA is only soliciting public comment on these four proposed changes.

Timetable:

Action	Date	FR Cite
NPRM (Supplemental)	09/09/86	51 FR 32180
Final Action	09/09/86	51 FR 32176
Final Action (Supplemental)	07/00/87	

Small Entity: No

Additional Information: SAR No. 1941.

FTS: 8-629-5561.

Docket No. A-80-46.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, N.C. 27711, 919 541-5561

RIN: 2060-AB13

2908. EMISSION STANDARDS AND TEST PROCEDURES FOR METHANOL-FUELED NEW MOTOR VEHICLES

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: This rule will develop emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	08/29/86	51 FR 30984
Final Action	04/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2112.

FTS: 8-374-8227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8227

RIN: 2060-AB28

2909. IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES (REVISION)

Legal Authority: 42 USC 7522 / CAA 203

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: EPA is considering various options for improving the effectiveness and administration of EPA's present regulation concerning the importation of nonconforming vehicles. Nonconforming vehicles are ones which have not been demonstrated to conform with Federal emission requirements. The regulatory revision options range from requiring that only certificate holders may import the vehicles (thereby bearing responsibility for their emission performance) to continuing the approach in the current regulation with various improvements, to elimination of importation of such vehicles (with minor exceptions). EPA is also considering elimination of any personal use exceptions.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
NPRM - Supplemental	09/09/85	50 FR 36838
Final Action	05/00/87	

Small Entity: Yes

Additional Information: SAR No. 1317.

Docket No. EN-79-9.

FTS:8-382-2500.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Stanley B. Durkee, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, 202 382-2500

RIN: 2060-AA54

2910. REMOVAL OF LEAD FROM EPA CERTIFICATION AND TEST FUELS (REVISION)

Legal Authority: 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None.

Abstract: EPA will propose these amendments to require the use of unleaded gasoline in all emissions and fuel economy testing of gasoline fueled light-duty vehicles, light-duty trucks, motorcycles and heavy-duty engines. EPA believes that leaded fuel is no longer needed for new gasoline fueled vehicles or engines. The proposal is consistent with EPA's proposal to eliminate the use of leaded fuel in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24606
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2290.

FTS: 8-374-8340.

Agency Contact: Peter Hutchins, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4340

RIN: 2060-AB87

2911. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) /CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None.

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the certification system; improve the procedure for resolution of warranty cost claims by vehicle manufacturers' against certified parts manufacturers; and labeling for certified parts.

Timetable:

Action	Date	FR Cite
NPRM	01/09/86	52 FR 924
Final Action	12/00/87	

Small Entity: Yes

Additional Information: SAR No. 2145.

FTS: 8-374-8316

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (ANR-455), 313 668-4316

RIN: 2060-AB58

EPA—CAA **Final Rule Stage**

2912. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None.

Abstract: EPA is examining information relevant to a total ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban as soon as January 1, 1988. This rule, if promulgated, will have an impact on many refineries, including small refineries. A regulatory flexibility analysis will fully consider the effect of this action on small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Analysis: Regulatory Flexibility Analysis; RIA, RFA

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060-AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Completed Actions

2913. MULTIMODE TRANSMISSION REGULATION (REVISION)

CFR Citation: 40 CFR 86; 40 CFR 600

Completed:

Reason	Date	FR Cite
Postponed Indefinitely	02/00/87	

Small Entity: No

Agency Contact: David Crompton 313 668-4289

RIN: 2060-AB90

2914. RESTRUCTURE CFR PARTS 51, 52 (REVISION)

CFR Citation: 40 CFR 51; 40 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	11/07/86	51 FR 40656

Small Entity: No

Agency Contact: Ted Creekmore 919 541-5697

RIN: 2060-AB49

2915. NSPS: INDUSTRIAL BOILERS--PARTICULATE MATTER AND NOX

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	11/25/86	51 FR 42768

Small Entity: No

Agency Contact: Fred Porter 919 541-5578

RIN: 2060-AA22

2916. NSPS: PRIMARY ALUMINUM REDUCTION PLANTS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	12/11/86	51 FR 44643

Small Entity: No

Agency Contact: Kenneth Durkee 919 541-5601

RIN: 2060-AB36

2917. NSPS: PETROLEUM REFINERIES

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	12/02/86	51 FR 43572

Small Entity: No

Agency Contact: Kenneth Durkee 919 541-5595

RIN: 2060-AB93

2918. NESHAPS: VINYL CHLORIDE (REVISION)

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	51 FR 34904

Small Entity: No

Agency Contact: Bob Ajax 919 541-5578

RIN: 2060-AB06

2919. X-RAY TEST PROCEDURES FOR MEASURING LEAD CONTENT IN FUELS

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Final Action	01/05/87	52 FR 257

Small Entity: No

Agency Contact: Marilyn McCall 202 382-2660

RIN: 2060-AB91

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Prerule Stage

2920. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(8)(A) /CERCLA 105(8)(A)

CFR Citation: 40 CFR 300, Appendix A

Legal Deadline: Statutory. Deadline of 4/88 required by SARA

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system for determining the relative severity of risks among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. SARA requires that the HRS be amended to assure, to the extent feasible, that it accurately assess relative risk to public health and the environment. SARA specifically requires that the HRS take into consideration natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
NPRM	09/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2065.

FTS: 8-382-4604

Agency Contact: Steve Caldwell, Environmental Protection Agency, Solid Waste and Emergency Response, **202 382-4604**

RIN: 2050–AB73

2921. ● TECHNICAL ASSISTANCE GRANTS TO GROUPS AT NATIONAL PRIORITY LIST SITES

Legal Authority: 42 USC Undetermined /SARA 117

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site and the grant recipient is required to contribute a 20% match. These limits may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
Interim Final Rule	11/00/87	
Final Action	08/00/88	

Small Entity: No

Additional Information: SAR No. 2401.

FTS:8-382-2460

Agency Contact: Daphne Gemmill, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548A, Washington DC 20460, **202 382-2460**

RIN: 2050–AC10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Proposed Rule Stage

2922. DESIGNATION AND REPORTABLE QUANTITIES FOR RELEASES OF NON-CARCINOGENS AND NON-CHRONIC TOXICANTS ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102; 42 USC 9601 /CERCLA 101

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: None.

Abstract: The Agency has decided that extremely hazardous substances, as defined in Section 302 of SARA, will also be designated hazardous substances with assigned RQs pursuant to Section 102 of CERCLA; this action designates non-carcinogens and non-chronic toxicants from the Extremely Hazardous Substances List. The Agency may also choose to designate additional substances which, when released, may present substantial danger to the public health or welfare or the environment such that notice to the National Response Center is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2336.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Dr. K. Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, **202 382-3000**

RIN: 2050–AB62

2923. ● DESIGNATION AND REPORTABLE QUANTITIES FOR RELEASES OF CARCINOGENS AND CHRONIC TOXICANTS ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 101; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: None.

Abstract: The Agency has decided that extremely hazardous substances, as defined in Section 302 of SARA, will also be designated hazardous substances with assigned RQs pursuant to Section 102 of CERCLA; this action designates carcinogens and chronic toxicants from the Extremely Hazardous Substances List. The Agency may also choose to designate additional substances which, when released, may present substantial danger to the public health or welfare or the environment

such that notice to the National Response Center is appropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2429.

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-3000

RIN: 2050-AC14

2924. REPORTABLE QUANTITIES FOR CONTINUOUS RELEASES

Significance: Agency Priority

Legal Authority: 42 USC 9603 / CERCLA 103

CFR Citation: 40 CFR 302

Legal Deadline: None.

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2411 (previously listed as SAR 1642C).

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, WH 548B, Washington, DC 20460, 202 382-3000

RIN: 2050-AA46

2925. REPORTABLE QUANTITIES FOR RELEASES OF CARCINOGENS AND OTHER HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: Statutory. Legislation imposes a 12/31/87 deadline for proposal and a 4/30/88 deadline for the final rule.

Abstract: In March 1987 the Agency proposed adjusting, where appropriate, the statutory reportable quantities (RQs) for 273 of the hazardous substances identified in Section 101(14) of CERCLA, as amended. Most (269) of these substances have been evaluated for potential carcinogenicity.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8140
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-3000

RIN: 2050-AA80

2926. REPORTABLE QUANTITIES FOR RELEASES OF RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: Statutory. Legislation imposes a 12/31/86 deadline for proposal and a 4/30/88 deadline for the final rule.

Abstract: EPA is adjusting the statutory one-pound reportable quantity (RQ) for radionuclides pursuant to Section 102 of CERCLA. Radionuclides consist of approximately 1,800 radioactive isotopes whose release represents differing degrees of potential harm to human health and the environment. The Agency has decided to propose individual adjusted RQs for 757 radionuclides, and an RQ of one curie for all of the remaining radionuclides.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8172
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2335.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Barbara Hostage, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, D.C. 20460, 202 382-3000

RIN: 2050-AB60

2927. ● REPORTABLE QUANTITIES FOR RELEASES OF METHYL ISOCYANATE (MIC) AND LEAD

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: Statutory. NPRM December 31, 1986; Final Action April 30, 1988

Abstract: The proposed reportable quantity (RQ) adjustments for methyl isocyanate (MIC) and lead were withdrawn by the Agency on April 4, 1985 (50 FR 13472) and September 29, 1986 (51 FR 34534), respectively. The Agency decided to retain the statutory one-pound RQs for these substances pending further technical analysis. The purpose of this action is to propose and promulgate final RQ adjustments for these two substances.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2459.

RCRA/Superfund Hotline 800-424-9346; in Washington, DC 382-3000.

Agency Contact: K. Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, 202 382-3000

RIN: 2050-AC21

2928. ● ACCIDENTAL RELEASE INFORMATION PROGRAM (ARIP) FOR HAZARDOUS SUBSTANCE RELEASES

Significance: Agency Priority

Legal Authority: 42 USC 9601 /CERCLA 104(e)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Accidental Release Information Program (ARIP) will require

facilities having repeated or severe accidental releases to submit to EPA information on what caused the releases and what prevention measures will be taken as a result of the releases. The proposed rule will effect small entities to the extent that they have large on frequent releases. At this point, the terms "repeated", "severe", "large", and "frequent" are under discussion.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2437.

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Cathleen Shepherd, Environmental Scientist, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, **202 475-8247**

RIN: 2050-AC02

2929. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: Statutory, April 17, 1988.

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. The Superfund Amendments and Reauthorization Act of 1986 mandated that the NCP be revised within 18 months of the date of enactment to incorporate statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
Final Action	04/00/88	

Small Entity: No

Additional Information: SAR No. 2400.

FTS-8-382-2182.

Agency Contact: Arthur Weissman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548D), Washington, DC 20460, **202 382-2182**

RIN: 2050-AA75

2930. ● NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7

Significance: Regulatory Program

Legal Authority: 42 USC 9605(8)(B)/CERCLA 105(8)(B)

CFR Citation: 40 CFR 300.66

Legal Deadline: Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will promulgate Update 7. See the related action in the final rule section of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	10/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2463.

FTS:8-382-5632

Agency Contact: C. Scott Parrish, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-5632**

RIN: 2050-AC16

2931. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None.

Abstract: This action prescribes the forms and procedures for persons other than the Government to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2160.

FTS: 8-382-4645.

Analysis: Regulatory Impact Analysis

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA90

2932. REPORTABLE QUANTITIES FOR FEDERALLY PERMITTED RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9601 /CERCLA 101

CFR Citation: 40 CFR 100; 40 CFR 117; 40 CFR 300; 40 CFR 302

Legal Deadline: None.

Abstract: In the May 25, 1983 NPRM (48 FR 23552) that proposed to adjust certain reportable quantities (RQs) for releases of hazardous substances, EPA explained the Agency's interpretation of each of the types of releases exempted by the definition of "federally permitted release" in Section 101(10) of CERCLA. Because of the amount of time that has passed and additional analysis undertaken since that NPRM, this action reproposes regulations to clarify the statutory language in Section 101(10) of CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: SAR No. 2394.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548B, **202 382-3000**

RIN: 2050-AB82

EPA—CERCLA

Proposed Rule Stage

2933. ● WITHDRAWAL OF ARBITRATION PROCEDURES AND NATURAL RESOURCE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 /CERCLA 112 and SARA 517

CFR Citation: 40 CFR 305; 40 CFR 306

Legal Deadline: None.

Abstract: The rule on CERCLA arbitration procedures will be withdrawn because the Superfund Amendments and Reauthorization Act (SARA) revoked the authority for claims arbitration. The rule on CERCLA natural resource claims procedures will be withdrawn because SARA revoked the appropriation for any Superfund monies to be utilized to pay such claims.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2457.

FTS 8-382-4645

Analysis: Regulatory Impact Analysis

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, Washington DC 20460, 202 382-4645

RIN: 2050-AC06

2934. ● REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC Undetermined /SARA 120

CFR Citation: 40 CFR Undetermined

Legal Deadline: Statutory, April 17, 1988.

Abstract: This section of SARA requires that EPA, in consultation with the General Services Administration promulgate rules which will require the disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred from the federal domain. These regulations also require that: (1) the agencies holding such land provide, at the time of transfer, a convenant warranting that all remedial actions necessary for protection of human health and the environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	04/00/88	

Small Entity: No.

Additional Information: SAR No. 2464.

FTS:8-382-5647

Agency Contact: Richard Dailey, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-527), Washington, DC 20460, 202 382-5647

RIN: 2050-AC00

2935. ● WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

Legal Authority: SARA Sec 126

CFR Citation: 29 CFR 1910

Legal Deadline: Statutory, January 17, 1988.

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (SARA) required the Secretary of Labor, within one year of the date of enactment, to promulgate standards for the health and safety protection of employees engaged in hazardous waste operations. The Secretary is also required to issue interim final regulations within 60 days after enactment of SARA. These interim final rules were published on December 19, 1986. SARA requires the Administrator of EPA to promulgate identical standards. The EPA standards apply to employees of State and local governments in each State (currently 26) that does not have in effect an approved State Plan under section 18 of the Occupational Safety and Health Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	01/00/88	

Small Entity: No

Additional Information: SAR No. 2427.

Agency Contact: Steve Dorrler, Environmental Protection Agency, Solid Waste and Emergency Response, 201 321-6740

RIN: 2050-AC12

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Final Rule Stage

2936. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATES 3,4,5, AND 6

Significance: Regulatory Program

Legal Authority: 42 USC 9605(8)(B) / CERCLA 105(8)(B)

CFR Citation: 40 CFR 300.66

Legal Deadline: Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will promulgate Updates 3, 4, 5, and 6. See the related action in the proposed rule section of this Agenda.

Timetable:

Update 5
NPRM 06/10/87 (51 FR 21099)
Final Action 09/00/87

Update 6
NPRM 01/22/87 (52 FR 2492)
Final Action 02/00/88

Updates 3 and 4
Final Action 05/00/87

EPA—CERCLA

Final Rule Stage

Small Entity: Undetermined

Additional Information: SAR No. 2077.

FTS: 8-382-8103.

Agency Contact: C. Scott Parrish, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, 202 382-5632

RIN: 2050-AA79

2937. ● EXTREMELY HAZARDOUS SUBSTANCES LIST AND THRESHOLD PLANNING QUANTITIES; EMERGENCY PLANNING AND RELEASE NOTIFICATION REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC Undetermined /SARA 302; 42 USC Undetermined /SARA 304

CFR Citation: 40 CFR 300

Legal Deadline: None.

Abstract: The purpose of this rule is to publish the statutorily prescribed list of extremely hazardous substances and the corresponding threshold planning quantities for those substances. This rule also codifies the reporting and notification requirements under SARA for facilities at which extremely hazardous substances are present. The list and requirements were published as an interim final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/17/86	51 FR 41593
Interim Final Rule	11/17/86	51 FR 41570
Final Action	05/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2407.

Agency Contact: Richard A. Horner, Chemical Engineer, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548), Washington, DC 20460, 202 382-7945

RIN: 2050-AB86

2938. ● EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT TO KNOW REPORTING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC Undetermined /SARA 311; 42 USC Undetermined /SARA 312

CFR Citation: 40 CFR 370

Legal Deadline: None.

Abstract: Under Sections 311 and 312 of SARA, facilities required to prepare or have available a material safety data sheet (MSDS) under the OSHA and its implementing regulations must submit the MSDS and the inventory forms to local and state officials. The purpose of the proposed rule is to publish for comment the inventory forms and propose regulations to implement the material safety data sheet (MSDS) and inventory reporting requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/27/87	52 FR 2836
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2412.

Analysis: Regulatory Impact Analysis

Agency Contact: Kathleen Brody, Environmental Protection Agency, Solid Waste and Emergency Response, WH-548, Washington DC 20460, 202 475-8353

RIN: 2050-AB88

2939. ● REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Significance: Agency Priority

Legal Authority: 42 USC 9623 / SARA 123

CFR Citation: 40 CFR 310

Legal Deadline: Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response. Total funds available to this program is limited, by statute, to not more than $8.5 million over the 5 year period beginning 10/01/86.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/87	
Final Action	10/00/88	

Small Entity: No

Additional Information: SAR No. 2409.

Agency Contact: Karen Z. Burgan, Environmental Protection Agency, Solid Waste and Emergency Response, WH-545B, Washington DC 20460, 202 382-3382

RIN: 2050-AC11

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Proposed Rule Stage

2940. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None.

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will establish the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. Prior to 1983, we have taken only one 404(c) action. Since that time, we have initiated nine such actions. In the preamble to the 404(c) regulations, we indicated that we would do an evaluation of these regulations within four years of the effective date. We delayed this evaluation in order to carefully consider our recent experiences with these regulations. This review is completed, and we plan to revise the regulations to reflect our findings.

EPA—GENERAL

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	06/00/88	

Small Entity: No

Additional Information: SAR No. 2196.

FTS: 8-382-5043

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Water, (A-104), Washington, DC 20460, **202 382-5043**

RIN: 2040-AB20

2941. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Legal Deadline: None.

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Interim Final Rule	10/00/87	

Small Entity: No

Additional Information: SAR No. 1825.

FTS: 8-382-4548.

Agency Contact: Ray Spears, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-4548**

RIN: 2020-AA01

2942. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None.

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
Final Action	05/00/88	

Small Entity: No

Additional Information: SAR No. 2195.

FTS: 8-382-5460

Agency Contact: Jane Roemer, Office of General Counsel, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA06

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Final Rule Stage

2943. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA(REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None.

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2218.

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA07

2944. NONDISCRIMINATION ON THE BASIS OF HANDICAP FOR PROGRAMS CONDUCTED BY EPA

Legal Authority: 42 USC 794 / Rehabilitation Act 504

CFR Citation: 40 CFR 12

Legal Deadline: None.

Abstract: The proposed regulation will provide for EPA's compliance with Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of handicap in the Agency's programs and activities. It will make the Agency's offices accessible to handicapped persons, and effect the necessary changes in the Agency's employment practices.

Timetable:

Action	Date	FR Cite
NPRM	05/06/85	50 FR 19136
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2049.

FTS: 8-382-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA05

2945. NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

Legal Authority: 42 USC 300j-8 /SDWA 1449

CFR Citation: 40 CFR 135

Legal Deadline: None.

Abstract: These regulations will specify on whom the notice of intent to file suit should be served, the manner of service, the addresses of such persons, and the contents of the notice. These regulations are similar to those implementing the notice provisions of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).

EPA—GENERAL

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29426
Final Action	05/00/87	

Small Entity: Not Applicable

Additional Information: SAR No. 2307.

FTS:8-382-7706

Agency Contact: Margaret Silver, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132W), Washington, D.C. 20460, **202 382-7706**

RIN: 2020-AA10

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Completed Actions

2946. EMISSIONS TRADING POLICY (REVISION)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	12/04/86	51 FR 43814

Small Entity: No

Agency Contact: Barry Elman 202 382-2727

RIN: 2010-AA08

2947. CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OF SUSPENSION OF PERMITS

CFR Citation: 40 CFR 22

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/87	

Small Entity: No

Agency Contact: Winston Haythe 202 475-8783

RIN: 2020-AA08

[FR Doc. 87-8054 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XX

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 "E" Street, NW., Washington, DC 20507; telephone (202) 634-7581.

SUPPLEMENTARY INFORMATION: The Commission identified eleven current and projected rulemakings for inclusion in the agenda. Also listed are five regulatory items which are under review. One new item has been added to the agenda as a projected rulemaking since the last semiannual agenda was published.

Signed in Washington, DC, this 4th day of March, 1987.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2948	Equal Employment in the Federal Government; Processing of Complaints Filed under the Equal Pay Act	3046-AA16
2949	Coverage of Apprenticeship Programs under the Age Discrimination in Employment Act	3046-AA21

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2950	Uniform Guidelines on Employee Selection Procedures	3046-AA00
2951	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
2952	Interpretative Bulletin on Employee Benefit Plans	3046-AA18
2953	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
2954	Equal Employment Opportunity in the Federal Government: Handicap	3046-AA23
2955	Uniform Guidelines on Employee Selection Procedures	3046-AA24
2956	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA30
2957	Pension Accruals and Contributions Under ADEA	3046-AA31

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2958	Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717	3046-AA06
2959	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
2960	Equal Employment in the Federal Government; Allegations of Reprisal	3046-AA13
2961	Equal Employment Opportunity in the Federal Government; Mixed Case Complaints	3046-AA14
2962	Equal Employment Opportunity in the Federal Government; EEO Complaint Processing and EEO Appeals	3046-AA17
2963	Administrative Exemption Allowing for Waivers Under the ADEA	3046-AA28

EEOC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2964	Equal Employment Opportunity in the Federal Government; Administrative Appeals on Grievances where Allegation of Discrimination Has Been Raised	3046-AA15

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Prerule Stage

2948. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; PROCESSING OF COMPLAINTS FILED UNDER THE EQUAL PAY ACT

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA16

2949. COVERAGE OF APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.13; 29 CFR 1625.21

Legal Deadline: None.

Abstract: The Department of Labor on January 9, 1969, published an interpretative guideline which provided that apprenticeship programs were not covered by the ADEA. On July 1, 1979, the Commission assumed responsibility and authority for enforcement of the ADEA. On September 29, 1981, the Commission republished the Department of Labor's guideline, 29 CFR 1625.13. This guideline is currently under review.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joseph N. Cleary, Acting Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6690

RIN: 3046-AA21

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Proposed Rule Stage

2950. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None.

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under E.O. 12067.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Leonard Bierman, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, 202 634-6700

RIN: 3046-AA00

EEOC

Proposed Rule Stage

2951. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None.

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA11

2952. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Legal Deadline: None.

Abstract: In response to a court order, the Commission has published a proposed rule that would require continued pension contributions and accruals for persons working beyond normal retirement age.

Timetable:

Action	Date	FR Cite
Publication of Request for Comments	09/15/83	
Completion of Regulatory Impact Analysis	07/00/86	
NPRM	04/02/87	52 FR 10584
Final Action	05/18/87	

Small Entity: Yes

Additional Information: The Commission is in the process of coordinating proposed rules with affected federal agencies under E.O. 12067.

Analysis: Regulatory Impact Analysis

Agency Contact: Joseph N. Cleary, Acting Assistant Legal Counsel, Equal Employment Opportunity Commission, 202 634-6690

RIN: 3046-AA18

2953. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None.

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/00/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph N. Cleary, Acting Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6690

RIN: 3046-AA22

2954. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT: HANDICAP

Significance: Regulatory Program

Legal Authority: 29 USC 701 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Legal Deadline: None.

Abstract: The Commission is considering alternative ways of resolving various interpretative issues involving the definition of handicapped persons used in its section 501 regulations. One alternative would be to amend the definitions in the regulation itself. The purpose of these revisions would be to clarify the scope of the definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Richard D. Komer, Acting Legal Counsel, Equal Employment Opportunity Commission, 202 634-6460

RIN: 3046-AA23

2955. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None.

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	12/00/87	

Small Entity: No

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00 Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

EEOC

Proposed Rule Stage

Agency Contact: Leonard Bierman, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, 202 634-6700

RIN: 3046-AA24

2956. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 1615, Proposed

Legal Deadline: None.

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Equal Employment Opportunity Commission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: The Commission is currently reviewing comments submitted by the Department of Justice pursuant to Executive Order 12250 on the draft proposed rule.

Government Levels Affected: Federal

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination & Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046-AA30

2957. ● PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Statutory, January 31, 1988.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding Pension Accruals and Contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Joseph N. Cleary, Acting Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6690

RIN: 3046-AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Final Rule Stage

2958. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Interim amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim Regulations effective	04/11/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA06

2959. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None.

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046-AA10

2960. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; ALLEGATIONS OF REPRISAL

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None.

EEOC **Final Rule Stage**

Abstract: Development of procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982. Published as interim regulations; now preparing to publish for adoption as final regulations.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	48 FR 19705
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA13

2961. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; MIXED CASE COMPLAINTS

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: Development of procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Staff draft transmitted to Federal agencies for comments, Sept. 1982. Published as interim regulations; now preparing to publish for adoption as final regulations.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Public Sector Programs, Office of Program Operations, Equal Employment Opportunity Commission, 202 634-6753

RIN: 3046-AA14

2962. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; EEO COMPLAINT PROCESSING AND EEO APPEALS

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 5 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Legal Deadline: None.

Abstract: The proposed notice incorporates EEOC's remedies' policy into the federal sector regulations and makes other changes in complaints processing. In addition, it addresses the processing of federal sector EEO appeals on the questions of finality, requests to reopen, compliance with, enforcement of, and clarity of Commission decisions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29482

Next Action Undetermined

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Legal Services, Office of the Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046-AA17

2963. ADMINISTRATIVE EXEMPTION ALLOWING FOR WAIVERS UNDER THE ADEA

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1627.16(c)

Legal Deadline: None.

Abstract: The Commission proposes to adopt a rule allowing non-EEOC supervised waivers and releases of private rights as an exemption to the provisions of Section 7 of the ADEA for any waiver of rights or release from liability by an employee or job applicant under the ADEA that is voluntary and knowing.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 40807
Comment period completed	12/06/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph N. Cleary, Acting Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6690

RIN: 3046-AA28

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Completed Actions

2964. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; ADMINISTRATIVE APPEALS ON GRIEVANCES WHERE ALLEGATION OF DISCRIMINATION HAS BEEN RAISED

CFR Citation: 29 CFR 1613

Completed:

Reason	Date	FR Cite
Merged into RIN 3046-AA17	02/27/87	

Small Entity: No

Agency Contact: Douglas J. Bielan 202 634-6753

RIN: 3046-AA15

[FR Doc. 87-6618 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXI

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1987 to April 1, 1988.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact John Scheibel, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-4100. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 et seq.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 et seq., this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1987 to April 1, 1988. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published October 27, 1986 at 51 FR 38978.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

DATED: March 5, 1987.

Spence W. Perry,

General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2965	Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas	3067-AA32
2966	Policy Guidance and Delegation of Authorities for Use of Priorities and Allocations to Maximize Domestic Energy Supplies	3067-AA33
2967	Use of Priorities and Allocation Authority for Federal Supply Classification (FSC) Common Use Items (DMO-12)	3067-AA34
2968	General Policies for Strategic and Critical Materials Stockpiling (DMO-11)	3067-AA35
2969	Policy on Use of Government-Owned Industrial Plant Equipment by Private Industry (DMO-10A)	3067-AA36
2970	Policy Guidance for a National Emergency Blood Program	3067-AA37
2971	Emergency Health and Medical Occupations	3067-AA38
2972	National Security Policy Governing Scientific and Engineering Manpower (DMO-5)	3067-AA43
2973	Guidance on Priority Use of Resources in Immediate Post Attack Period (DMO-4)	3067-AA44
2974	Defense Production Priorities and Allocations Authority	3067-AA45
2975	Maintenance of the Mobilization Base	3067-AA46
2976	Dispersion and Protective Construction: Policy, Criteria Responsibilities (DMO-1)	3067-AA47
2977	Temporary Relocation Assistance - Superfund	3067-AA72
2978	Flood Insurance Rating System Changes	3067-AA98

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2979	Nondiscrimination in Federally-Assisted Programs	3067-AA00
2980	Nondiscrimination on the Basis of Handicap in FEMA	3067-AA42
2981	State Assistance Programs for Training and Education in Comprehensive Emergency Management	3067-AA70
2982	Review and Approval of State and Local Emergency Response Plans	3067-AA76
2983	Radiological Emergency Planning and Preparedness	3067-AA77
2984	Permanent Relocation Assistance	3067-AA84
2985	Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	3067-AA90
2986	Reimbursement of Other Federal Agencies	3067-AA92
2987	Community Disaster Loans	3067-AA95

FEMA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2988	National Flood Insurance Program Changes	3067-AA96
2989	Criteria for Earthquake Hazards Reduction Assistance to State and Local Governments	3067-AA99
2990	Disaster Preparedness Assistance	3067-AB05
2991	National Flood Insurance Program Redefinition of Coastal High Hazard Area	3067-AB08
2992	National Flood Insurance Program Changes	3067-AB09
2993	Changes in National Flood Insurance Program Commissions to Insurance Agents	3067-AB10
2994	Criteria for Hurricane Preparedness Assistance to State and Local Governments	3067-AB11
2995	Flood Insurance Subsidized Rate Change	3067-AB12
2996	Federal Crime Insurance Program	3067-AB13
2997	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2998	State Cost Share Criteria for Superfund Relocations	3067-AA83
2999	Flood Insurance Rate Changes	3067-AA97

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3000	Part 205 - Federal Disaster Assistance (PL 93-288, Subpart M - Hazard Mitigation)	3067-AA13
3001	Federal Disaster Assistance Sub-Part E Public Assistance	3067-AA53
3002	Disaster Assistance: the Declaration Process	3067-AA85
3003	Project Administration	3067-AA89
3004	Floodplain Management and Protection of Wetlands - Temporary Relocation Assistance	3067-AB00
3005	Civil Defense: State and Local Emergency Management Assistance Program	3067-AB01
3006	Purchase of Insurance - Adjustment of Claims	3067-AB02
3007	Disaster Assistance - Crisis Counseling	3067-AB03
3008	Disaster Assistance - Temporary Housing	3067-AB04

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

2965. PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

Legal Authority: EO 10480; EO 12148

CFR Citation: 44 CFR 331

Legal Deadline: None.

Abstract: This part sets policy and makes assignments with respect to award of contracts, etc. in labor surplus areas for purposes of preserving the mobilization base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA32

2966. POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Legal Authority: 50 USC 2061 et seq; PL 94-163, Sec 104

CFR Citation: 44 CFR 330

Legal Deadline: None.

Abstract: This regulation establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to

section 101(c) of the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA33

2967. USE OF PRIORITIES AND ALLOCATION AUTHORITY FOR FEDERAL SUPPLY CLASSIFICATION (FSC) COMMON USE ITEMS (DMO-12)

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 329

Legal Deadline: None.

Abstract: This part provides policy guidance concerning the use of priorities and allocations authority in Title I of Defense Production Act for the procurement of common use items in the Federal Supply Classification.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA34

2968. GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING (DMO-11)

Legal Authority: 50 USC 98 et seq

CFR Citation: 44 CFR 328

Legal Deadline: None.

Abstract: This part sets forth policies for the administration of strategic and critical materials stockpiling under the Strategic and Critical Materials Stock Piling Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3524

RIN: 3067-AA35

2969. POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 327

Legal Deadline: None.

Abstract: This part establishes policy on use by private industry of Government-owned industrial plant equipment to maintain a reserve of such equipment for emergency preparedness.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA36

2970. POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 326

Legal Deadline: None.

Abstract: This regulation prescribes objectives, policies and responsibilities of the National Emergency Blood Program.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: John R. Powers, Assistant Assoc. Director, Office of Fed. Preparedness, Nat'l Preparedness Progr. Dir., Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3594

RIN: 3067-AA37

2971. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC App 2061; EO 11490

CFR Citation: 44 CFR 325

Legal Deadline: None.

Abstract: This regulation lists emergency health and medical occupations in support of functions under Executive Order Assigning Emergency Preparedness Functions.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3594

RIN: 3067-AA38

2972. NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER (DMO-5)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 324

Legal Deadline: None.

Abstract: This part provides policy on the training and utilization of the scientific and engineering workforce as it affects national security.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3594

RIN: 3067-AA43

FEMA

Prerule Stage

2973. GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POST ATTACK PERIOD (DMO-4)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 323

Legal Deadline: None.

Abstract: This regulation states policy on use of resources in a post attack period and provides general guidance for Federal, State and local governments on activities to be accorded priority in use of resources, and lists items essential to national survival.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA44

2974. DEFENSE PRODUCTION PRIORITIES AND ALLOCATIONS AUTHORITY

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 322

Legal Deadline: None.

Abstract: This regulation establishes policy guidance and delegates authority with respect to priorities and allocation functions in the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA45

2975. MAINTENANCE OF THE MOBILIZATION BASE

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 321

Legal Deadline: None.

Abstract: This regulation deals with policies concerning the mobilization base for Department of Defense, Department of Energy, and Maritime Administration and includes procedures relating to selection and maintenance of the base.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA46

2976. DISPERSION AND PROTECTIVE CONSTRUCTION: POLICY, CRITERIA RESPONSIBILITIES (DMO-1)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 320

Legal Deadline: None.

Abstract: This regulation establishes policy and criteria to encourage dispersal of facilities important to the national security and that these be located so as to reduce the risk of damage in event of attack.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Paul Krueger, Deputy Associate Director, National Preparedness Program Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3555

RIN: 3067-AA47

2977. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Legal Deadline: None.

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 20995
NPRM Comment Period End	08/11/86	
Begin Review	10/01/86	
End Review	04/30/87	
Final Action	05/01/87	

Small Entity: No

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, 202 646-3807

RIN: 3067-AA72

2978. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 41 CFR 61

Legal Deadline: None.

Abstract: National Flood Insurance Program premium rating system changes under consideration include a community rating system and a system to use revised FIRM's producing higher rates for existing policyholders, subject to a rate cap. The community rating system would be designed to recognize circumstances within local communities that mitigate or exacerbate the flooding risk, such as the inaction of a community in addressing flood problems or the performance of a community that goes beyond minimum NFIP floodplain management requirements. The use of revised FIRM's for existing policyholders would replace the current practice of allowing premium rates for such policyholders to be based on the map in existence at the time of construction so long as the construction met the requirements at that time.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/87	
ANPRM Comment Period End	07/06/87	
NPRM	11/30/87	

FEMA **Prerule Stage**

Action	Date	FR Cite
NPRM Comment Period End	01/29/88	
Final Action	08/01/68	

Action	Date	FR Cite
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Howard Leikin, Special Assistant, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2784

RIN: 3067-AA98

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Proposed Rule Stage

2979. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None.

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	
NPRM Comment Period End	08/01/87	
Interim Final Rule	09/01/87	
Final Action Effective	10/15/87	

Small Entity: No

Agency Contact: Katherine Shannon, Acting Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3962

RIN: 3067-AA00

2980. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 16

Legal Deadline: None.

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of section 504 of the Rehabilitation Act of 1973, as amended in 1978 to include activities conducted directly by Federal agencies. A draft regulation has been prepared and submitted to the Department of Justice and the Equal Employment Opportunity Commission for review.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	
NPRM Comment Period End	06/01/87	
Interim Final Rule	07/15/87	
Final Action	08/15/87	

Small Entity: No

Agency Contact: Katherine H. Shannon, Acting Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3962

RIN: 3067-AA42

2981. STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

Legal Authority: Reorganization Plan No. 3, 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 360

Legal Deadline: None.

Abstract: This regulation revises existing regulation governing the State Assistance Program for Training and Education in Comprehensive Emergency Management to reflect program and administrative changes occurring since issuance of the regulation in 1981.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Robert T. Petersen, Acting Superintendent, Emergency Management Institute, Federal Emergency Management Agency, Emmitsburg, MD 21727, 301 447-6771

RIN: 3067-AA70

2982. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC App. 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None.

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	
NPRM Comment Period End	09/30/87	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State and Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067-AA76

2983. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None.

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological

accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	10/31/87	
NPRM Comment Period End	12/31/87	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State & Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4131**

RIN: 3067-AA77

2984. PERMANENT RELOCATION ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Legal Deadline: None.

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	08/30/87	
Final Action	09/30/87	
Final Action Effective	10/30/87	

Small Entity: No

Agency Contact: Charles D. Robinson, Chief, Superfund & Relocation Assistance Br., Disaster Assistance Program, SLPS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3805**

RIN: 3067-AA84

2985. ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 13

Legal Deadline: None.

Abstract: This part will establish uniform administrative rules for Federal grants and cooperative agreements to State and local governments and federally recognized Indian Tribal governments. These will be common regulations issued with other government agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Arthur Curry, Chief, Policy Division, Off. of Comptroller, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3718**

RIN: 3067-AA90

2986. REIMBURSEMENT OF OTHER FEDERAL AGENCIES

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart I

Legal Deadline: None.

Abstract: This updates the existing regulation which specifies procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/21/85	50 FR 33783
NPRM Comment Period End	10/21/85	
NPRM	08/21/87	
NPRM Comment Period End	09/21/87	
Final Action	09/30/87	

Small Entity: No

Agency Contact: John F. Guerre, Emergency Management Specialist, Federal Emergency Management Agency, Office of Disaster Assistance Programs, 500 C Street, SW, Washington, DC 20472, **202 646-3675**

RIN: 3067-AA92

2987. COMMUNITY DISASTER LOANS

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205, Subpart F

Legal Deadline: None.

Abstract: To provide FEMA policies and procedures for administering the Community Disaster Loan Program under section 414, PL 93-288.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	
NPRM Comment Period End	05/30/87	
Final Action	08/01/87	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Gene Morath, Program Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3683**

RIN: 3067-AA95

2988. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 77

Legal Deadline: None.

Abstract: Possible changes to the standard flood insurance policy include changes in coverage for condominiums.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 112
NPRM Comment Period End	03/03/87	52 FR 112
Final Action	05/01/87	
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA96

2989. CRITERIA FOR EARTHQUAKE HAZARDS REDUCTION ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 7701 et seq

CFR Citation: 44 CFR 361

Legal Deadline: None.

Abstract: The National Earthquake Hazards Reduction Act of 1977 provides for Federal assistance to States and local units of government to support earthquake hazards reduction activities.

With but two exceptions, FEMA has provided 100 percent funding to States on an annual basis for their earthquake hazards reduction programs. This proposed rulemaking will establish a plan for having States share the cost of these activities. These changes to 44 CFR 3006 will affect only the earthquake preparedness portion of this rule; the hurricane preparedness portion will be revised in a separate rulemaking effort.

Timetable:

Action	Date	FR Cite
NPRM	03/15/87	
NPRM Comment Period End	05/15/87	
Final Action	08/30/87	
Final Action Effective	09/30/87	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Richard W. Krimm, Assistant Associate Director, Office of Natural & Technological Hazards Program, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2871**

RIN: 3067-AA99

2990. DISASTER PREPAREDNESS ASSISTANCE

Legal Authority: 42 USC 5121 et seq; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 300

Legal Deadline: None.

Abstract: This regulation revises and makes technical corrections to the regulations governing assistance under title II of the Disaster Relief Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	
NPRM Comment Period End	09/01/87	
Final Action	10/01/87	

Small Entity: No

Agency Contact: Dan Sullivan, Emergency Management Specialist, Federal Emergency Management Agency, Off. of Disaster Assistance Programs, State & Local Programs Directorate, 500 C Street, SW, Washington, DC 20472, **202 646-3666**

RIN: 3067-AB05

2991. ● NATIONAL FLOOD INSURANCE PROGRAM REDEFINITION OF COASTAL HIGH HAZARD AREA

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59

Legal Deadline: None.

Abstract: The proposed rule would modify the definition of "coastal high hazard area" at 44 CFR 59.1 to include the primary frontal dune on barrier islands and other sandy shorelines exposed to the open coast. Including primary frontal dunes in the definition of coastal high hazard areas would recognize their inherent susceptibility to flood and erosion hazards during major coastal storms. Classification of these dunes as VE zones on Flood Insurance Rate Maps would assure that adequate insurance rates are assessed and that the construction standards, appropriate to the hazards, are imposed should new construction on the primary frontal dunes be permitted by State or local ordinances.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
NPRM Comment Period End	01/29/88	
Final Action	08/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Brian R. Mrazik, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2766**

RIN: 3067-AB08

2992. ● NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 61; 44 CFR 72

Legal Deadline: None.

Abstract: Possible changes to the NFIP regulations include a clarification of the definition of substantial improvement, changes in the standard flood insurance policy, and a change in the fee exemption provisions of 44 CFR 72.5 to give the Administrator discretion in waiving fees associated with the review of proposed projects that, when completed, could result in a NFIP map revision.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	
NPRM Comment Period End	01/29/88	
Final Action	07/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AB09

2993. ● CHANGES IN NATIONAL FLOOD INSURANCE PROGRAM COMMISSIONS TO INSURANCE AGENTS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 62

Legal Deadline: None.

Abstract: Changes under consideration would increase the insurance agents' commission on new NFIP policies and decrease the commission on direct bill renewals, resulting in an overall decrease in the average commission.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	
NPRM Comment Period End	05/26/87	
Final Action	09/01/87	
Final Action Effective	10/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C

FEMA

Proposed Rule Stage

Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AB10

2994. ● CRITERIA FOR HURRICANE PREPAREDNESS ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5131; 50 USC App. 2251 to 2297; EO 12148

CFR Citation: 44 CFR 362

Legal Deadline: None.

Abstract: Under PL 93-288, the Federal Emergency Management Agency provides financial and technical assistance to States and local governments in their hurricane preparedness planning. Except for some instances, FEMA has provided 100 percent funding to designated States that have high risk hurricane hazard areas for the development of population preparedness and property protection studies. This proposed rulemaking will establish a plan for having States share the cost of these activities. These changes to 44 CFR 300.6 will affect only the hurricane preparedness portion of this rule; the earthquake hazards reduction portion will be revised in a separate concurrent rulemaking effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Krimm, Assistant Associate Director, Office of Natural & Technological Hazards Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2871

RIN: 3067-AB11

2995. ● FLOOD INSURANCE SUBSIDIZED RATE CHANGE

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None.

Abstract: FEMA has determined that there is an imbalance between the general taxpayers and the NFIP policyholders in shouldering the costs of the NFIP that should be rectified by the policyholders, the direct Program beneficiaries, bearing more of the costs. The proposed rule would increase the chargeable (subsidized) premium rates, which apply to all structures in communities participating in the emergency program of the National Flood Insurance Program and to certain structures in communities in the regular program.

Timetable:

Action	Date	FR Cite
NPRM	11/30/86	
NPRM Comment Period End	01/29/88	
Final Action	08/01/88	
Final Action Effective	10/01/88	

Small Entity: No

Agency Contact: Howard Leikin, Special Assistant, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2784

RIN: 3067-AB12

2996. ● FEDERAL CRIME INSURANCE PROGRAM

Legal Authority: 12 USC 1749bbb-17

CFR Citation: 44 CFR 80; 44 CFR 81; 44 CFR 82; 44 CFR 83

Legal Deadline: None.

Abstract: These revisions to the Federal Crime Insurance Program are proposed to achieve the following: redefine the definition of "burglary" under the residential policy; revise residential crime insurance rates to permit the purchase of crime insurance in increments of $1,000, up to the maximum limit of $10,000; permit a premium discount on the residential policy for the installation of an alarm system; revise the classification and alarm requirements of several commercial risks; raise the commercial crime insurance limits of coverage from $15,000 to $30,000 for each insured premises; eliminate coverage for loss from a night depository in a bank; and require the payment of an installment service charge on policies where the annual premium is not paid in full at the time of application.

Timetable:

Action	Date	FR Cite
NPRM	02/15/87	
NPRM Comment Period End	04/15/87	
Final Action	05/01/87	
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3440

RIN: 3067-AB13

2997. ● CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC (App) 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None.

Abstract: Changes within existing regulation to: delete one allocation formula factor; add to the documentation for eligibility the requirement for State and local jurisdictions to submit Hazard Identification Capability Assessment and Multi-Year Development Plan documents as well as to have reviewed, updated and exercised their emergency operations plans on a 3-year cyclical basis. These changes will bring about improved oversight and management of the EMA program. There is no potential for increased costs.

Timetable:

Action	Date	FR Cite
NPRM	03/10/87	
NPRM Comment Period End	05/09/87	
Interim Final Rule	06/15/87	
Final Action	07/15/87	
Final Action Effective	07/15/87	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: John McKay, Chief, Emergency Management Systems Development Division, Federal Emergency Management Agency, 500 C

FEMA **Proposed Rule Stage**

Street, SW, Washington, DC 20472, 202 646-4252

RIN: 3067-AB14

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Final Rule Stage

2998. STATE COST SHARE CRITERIA FOR SUPERFUND RELOCATIONS

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 222

Legal Deadline: None.

Abstract: This part provides basic guidance with regard to the State's allowable costs associated with the administration of temporary and permanent relocation activities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17501
NPRM Comment Period End	07/14/86	
Final Action	10/01/86	
Final Action Effective	03/01/87	
Begin Review	03/01/87	
End Review	04/01/87	

Small Entity: No

Agency Contact: Karen Forbes, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3807

RIN: 3067-AA83

2999. FLOOD INSURANCE RATE CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None.

Abstract: The proposed rule would increase the chargeable subsidized premium rates, which apply to all structures in communities participating in the emergency program of the National Flood Insurance Program and to certain structures in communities in the regular program.

Timetable:

Action	Date	FR Cite
NPRM	04/10/86	51 FR 12348
NPRM Comment Period End	06/09/86	
Final Action	02/27/87	
Final Action Effective	06/01/87	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA97

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Completed Actions

3000. PART 205 - FEDERAL DISASTER ASSISTANCE (PL 93-288, SUBPART M - HAZARD MITIGATION)

CFR Citation: 44 CFR 205.400

Completed:

Reason	Date	FR Cite
Withdrawn	11/13/86	51 FR 41132

Small Entity: No

Agency Contact: Laurence W. Zensinger 202 646-3681

RIN: 3067-AA13

3001. FEDERAL DISASTER ASSISTANCE SUB-PART E PUBLIC ASSISTANCE

CFR Citation: 44 CFR 205.70 et seq

Completed:

Reason	Date	FR Cite
Withdrawn	11/13/86	51 FR 41132

Small Entity: No

Agency Contact: Charles B. Stuart 202 646-3691

RIN: 3067-AA53

3002. DISASTER ASSISTANCE: THE DECLARATION PROCESS

CFR Citation: 44 CFR 205, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	11/13/86	51 FR 41132

Small Entity: No

Agency Contact: Sewall H. E. Johnson 202 646-3616

RIN: 3067-AA85

3003. PROJECT ADMINISTRATION

CFR Citation: 44 CFR 205, Subpart H

Completed:

Reason	Date	FR Cite
Withdrawn	11/13/86	51 FR 41132

Small Entity: No

Agency Contact: Bruce Baughman 202 646-3680

RIN: 3067-AA89

3004. FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS - TEMPORARY RELOCATION ASSISTANCE

CFR Citation: 44 CFR 9

Completed:

Reason	Date	FR Cite
Final Action	10/20/86	51 FR 39531
Final Action Effective	11/28/86	51 FR 39531

Small Entity: No

Agency Contact: Karen Forbes 202 646-3807

RIN: 3067-AB00

FEMA

Completed Actions

3005. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM

CFR Citation: 44 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 234
Final Action Effective	12/05/86	51 FR 234

Small Entity: No

Agency Contact: John McKay 202 646-3509

RIN: 3067-AB01

3006. PURCHASE OF INSURANCE - ADJUSTMENT OF CLAIMS

CFR Citation: 44 CFR 81

Completed:

Reason	Date	FR Cite
Final Action	12/15/86	51 FR 44911
Final Action Effective	01/31/87	

Small Entity: No

Agency Contact: Robert J. DeHenzel 202 646-3440

RIN: 3067-AB02

3007. DISASTER ASSISTANCE - CRISIS COUNSELING

CFR Citation: 44 CFR 205.59

Completed:

Reason	Date	FR Cite
Withdrawn	11/13/86	51 FR 41132

Small Entity: No

Agency Contact: Donna M. Dannels 202 646-3662

RIN: 3067-AB03

3008. DISASTER ASSISTANCE - TEMPORARY HOUSING

CFR Citation: 44 CFR 205.52

Completed:

Reason	Date	FR Cite
Withdrawn pending legislative amendments to Disaster Relief Act	10/01/86	

Small Entity: No

Agency Contact: Sarah L. Wise 202 646-3657

RIN: 3067-AB04

[FR Doc. 87-6619 Filed 04-24-87; 8:45 am]

BILLING CODE 6718-01-T

federal register

Monday
April 27, 1987

Part XXII

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from March 1987 to October 1987. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653-5305.

DATED: March 16, 1987.

Kay McMurray,

Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Prerule Stage

3009. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None.

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will have completed its initial draft by October 1987. A proposed rule will be published soon thereafter and public comments solicited.

Timetable:

Action	Date	FR Cite
End Review	10/00/87	

Small Entity: No

Agency Contact: Daniel P. Dozier, Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC 20427, 202 653-5305

RIN: 3076-AA01

[FR Doc. 87-6786 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXIII

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 101, 105, and 201

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1986. This agenda was developed under the guidelines in OMB Bulletin 87-6, dated December 4, 1986. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Reports Management Branch (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

DATED: February 27, 1987.

T. C. Golden,

Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3010	Utilization, Donation, and Disposal of Foreign Gifts and Decoration	3090-AC85
3011	Federal Advisory Committee Management	3090-AA62
3012	Federal Property Management Regulations; Annual Real Property Inventories	3090-AC74

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3013	Management of Buildings and Grounds	3090-AA69
3014	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
3015	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
3016	General Services Administration Acquisition Regulation Change Part 501	3090-AB86
3017	Buy American Act - Construction Materials (GSAR 5-131)	3090-AC37
3018	Miscellaneous Changes on the Acquisition of Leasehold Interests in Real Property (GSAR 5-155)	3090-AC59
3019	Contract Closeout Procedures (GSAR 5-96)	3090-AC67
3020	Multiyear Contracts and Contracts with Options (GSAR 5-106)	3090-AC68
3021	Small Business Subcontracting Plans (GSAR 5-122)	3090-AC69
3022	Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
3023	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3024	Utilization and Disposal of Personal Property	3090-AA45
3025	Revision of Acquisition and Management Provisions regarding the Changing Telecommunication Marketplace, including the Detariffing of Customer Premises Equipment (84.06A)	3090-AB08
3026	Establishment of policies and procedures for Federal agencies' management of electronic recordkeeping, Project 86.83A	3090-AC54
3027	Update of Governmentwide Policies and Regulations regarding Federal Employee use of Government Telephone Systems (87.14A)	3090-AC75
3028	Implementation of Additional Federal Information Processing Standards (FIPS) and Federal Telecommunications Standard (FED-STD) in the Federal Information Resources Management (CONT)	3090-AC86
3029	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3030	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3031	Supply Sources and Related Programs	3090-AA89
3032	General Services Administration Acquisition Regulation (GSAR)- Small Business Technical Advisors	3090-AB39
3033	General Services Administration Acquisition Regulation Change Part 519	3090-AB76
3034	Federal Procurement Data System (FPDS) Reporting Requirements (GSAR 5-113)	3090-AC56

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3035	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3036	Bankruptcy, Insolvency or Dissolution of a Business (GSAR 5-140)	3090-AC72
3037	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3038	Revision of Voucher and Schedule of Payments Standard Form 1166 Instructions	3090-AB97
3039	Audit Procedures for Commercial Bills of Lading- Cost-Reimbursement-Type Contracts	3090-AC20
3040	Revision of Standard Form 1203 - US Government Bill of Lading - Privately Owned Personal Property	3090-AC21
3041	National Defense Stockpile Disposal Regulations	3090-AA40
3042	Disposals to Public Agencies	3090-AB55
3043	Property for Correctional Facilities	3090-AB72
3044	Donation of Personal Property	3090-AA23
3045	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3046	Acquisition and Use of Excess Personal Property	3090-AA30
3047	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3048	Cost Effective Procurement of Personal Property	3090-AA95
3049	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (Unassigned)	3090-AC00
3050	Change to Federal Travel Regulations (FTR), FPMR 101-7, supplement (unassigned)	3090-AC24
3051	Payment of Substitute Documents	3090-AC36
3052	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement (Unassigned)	3090-AC38
3053	Change to Federal Travel Regulation (FTR), FPMR 101-7 Supplement (unassigned)	3090-AC42
3054	Change to Federal Travel Regulations (FTR), FPMR 101-7, Supplement (unassigned)	3090-AC52
3055	FIRMR Implementation of the ADP Dispute Resolution Section of the Competition in Contracting Act of 1984 - Project 84.63A	3090-AB64
3056	Revision of ADPE Reutilization Policies and Procedures including instructions for SF 120, Project 86.14A	3090-AC25
3057	Federal Employee Parking	3090-AA68

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3058	General Services Administration Acquisition Regulation Change 29; Price adjustment and allocation of orders clauses	3090-AC39
3059	General Services Administration Acquisition Regulation, Change 36, Miscellaneous Forms	3090-AC40
3060	General Services Administration Acquisition Regulation Change 23, Protests to the GAO and Charges for Bidding Documents	3090-AC55
3061	Contractor Inspection Requirements, Change 24 (GSAR 5-92)	3090-AC57
3062	General Services Administration Acquisition Regulation Change 35, Miscellaneous Changes	3090-AC58
3063	Insurance Requirements (GSAR 5-126)	3090-AC60
3064	General Services Administration Acquisition Regulation, Change 33, Letter Contracts for Architect-Engineer Services	3090-AC62
3065	General Services Administration Acquisition Regulation Change 25, Miscellaneous Changes	3090-AC63
3066	General Services Administration Acquisition Regulation Change 26, Prompt Payment Discounts	3090-AC65
3067	Status Report of Orders and Shipments, Acquisition Circular (AC-86-6) (GSAR 5-160)	3090-AC66
3068	General Services Administration Acquisition Regulation Change 37, Bid Acceptance Time	3090-AC70
3069	Revised Procedures for Use of the GSA Form 300, Order for Supplies and Services, Acquisition Circular (AC-86-4) (GSAR 5-150)	3090-AC71
3070	Change 38, General Services Administration Acquisition Regulation (GSAR)	3090-AC77
3071	Acquisition Circular GSAR AC-86-8	3090-AC78
3072	Change 34, General Services Administration Acquisition Regulation (GSAR)	3090-AC79
3073	Change 30, General Services Administration Acquisition Regulation (GSAR)	3090-AC80
3074	Change 32, General Services Administration Acquisition Regulation (GSAR)	3090-AC82
3075	Acquisition Circular AC-86-7, General Services Administration Acquisition Regulation	3090-AC83
3076	Change 31, General Services Administration Acquisition Regulation (GSAR)	3090-AC84
3077	Collection of Claims Owed the United States	3090-AB45
3078	Report of Identical Bids	3090-AC73
3079	Change Supplement (Unassigned) to Supplement 22	3090-AC43
3080	Implementation of Federal Information Processing Standards(FIPS) and Federal Telecommunications Standards (FED-STDS) Project 86.17A Acquisition policy clarifications are added	3090-AC26
3081	Clarification of FIRMR Implementation of Brooks Act Exclusive Procurement Authority 86.69A	3090-AC53
3082	Interim Implementation of Pub. L. 99-500 Title VIII Brooks Act, Amendments (87.09T)	3090-AC76
3083	Information Resources Management Reviews - Extension of Temporary regulation and changes (86.48T)	3090-AC81

GSA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3084	Federal Advisory Committee Management	3090-AA62

GENERAL SERVICES ADMINISTRATION (GSA) — Prerule Stage

FEDERAL SUPPLY AND SERVICES

3010. ● UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATION

Legal Authority: 40 USC 486(c); 5 USC 7342

CFR Citation: 41 CFR 101-49

Legal Deadline: None.

Abstract: This rule updates and revises GSA's policy and procedure concerning the utilization, donation, and disposal of foreign gifts and decorations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Mr. SStanley M. Duda, Director, General Services Administration, General Services ADministration, Property Management Division, Washington, DC 20406, 703 557-1240

RIN: 3090-AC85

OFFICE OF ORGANIZATION AND PERSONNEL

3011. ● FEDERAL ADVISORY COMMITTEE MANAGEMENT

Significance: Regulatory Program

Legal Authority: 5 USC App Federal Advisory Committee Act of I972; EO 12024

CFR Citation: 41 CFR 101-6.10

Legal Deadline: None.

Abstract: This regulation will provide administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and will replace an interim final rule (48 FR 19324; April 28, 1983).

Timetable:

Action	Date	FR Cite
ANPRM	02/13/87	52 FR 4631
ANPRM Comment Period End	03/16/87	
NPRM	04/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Charles F. Howton, Acting Director, General Services Administration, Committee Management Secretariat, Washington, DC 20405, 202 523-4884

RIN: 3090-AA62

PUBLIC BUILDINGS SERVICE

3012. ● FEDERAL PROPERTY MANAGEMENT REGULATIONS; ANNUAL REAL PROPERTY INVENTORIES

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None.

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reductions initiatives mandated by Executive Order 12411-Government Work Space Management Reforms, Temporary Regulation D-71 and corresponding supplements, and Temporary Regulation D-73 on Quality Workplace Environment to assess the impact on real property inventories.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Judy Kraft, Acting Director, Governmentwide Policy Div., General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight (PG), Washington, DC 20405, 202 566-0507

RIN: 3090-AC74

GENERAL SERVICES ADMINISTRATION (GSA) — Proposed Rule Stage

ACQUISITION POLICY

3013. MANAGEMENT OF BUILDINGS AND GROUNDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Legal Deadline: None.

Abstract: Part 101-20 prescribes policies and procedures for the management, operation, protection, and maintenance of Government-owned and leased buildings and grounds required by the Federal agencies to undertake their assigned missions. A number of executive agencies have indicated that this part needs to be revised to update,

improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies developed a revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0

Government Levels Affected: Federal

Agency Contact: James F. Steele, Jr, Facility Management Division(PMF), General Services Administration, Washington, DC 20405, 202 566-1563

RIN: 3090-AA69

3014. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Legal Deadline: None.

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB82

3015. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Legal Deadline: None.

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Agency Contact: Margorie Ashby, Management Analyst Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB83

3016. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 501

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Legal Deadline: None.

Abstract: To issue a GSAR amendment to implement the requirements of the Competition Enhancement Act of 1984 (Pub. L. 98-577) regarding publicizing proposed regulations in Part 501, General Services Administration Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-3822

RIN: 3090-AB86

3017. BUY AMERICAN ACT - CONSTRUCTION MATERIALS (GSAR 5-131)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to add sections that will address the method of evaluation of offers based on the use of non-domestic construction materials in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	05/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Washington, DC 20405, 202 523-3822

RIN: 3090-AC37

3018. MISCELLANEOUS CHANGES ON THE ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (GSAR 5-155)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to codify in the regulation the revised contract clauses approved for use in lease contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	06/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services

Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC59

3019. CONTRACT CLOSEOUT PROCEDURES (GSAR 5-96)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 504

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulations (GSAR) will be amended to implement one of the recommendations resulting from a Federal Procurement Reform study under Executive Order 12352 by providing agency procedures in Part 504.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	09/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC67

3020. MULTIYEAR CONTRACTS AND CONTRACTS WITH OPTIONS (GSAR 5-106)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 517

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the deviation from FAR 52.217-1, Limitations of Price and Contractor Qualifications and FAR 52.217-2, Cancellation of Items; and to consider the applicability of FAR Part 17 to Federal Supply Service multiyear contracts and contracts with options.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC68

3021. SMALL BUSINESS SUBCONTRACTING PLANS (GSAR 5-122)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 519

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to include information and instructions regarding various types and need for subcontracting plans; and to insert a reference to reflect the applicability of Subpart 519.7 to leases of real property in Section 501.103(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC69

OFFICE OF THE COMPTROLLER

3022. DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: The Department of Defense will use travel warrants to obtain transportation for selected Military Reservists and Retirees who are ordered to active duty. Implementation of the travel warrant program will provide a simple and efficient system to procure transportation and pay for services furnished, and will impose no additional burden on the Government or the public since the warrant will be used instead of GTR's.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: RIN 3090-AA05. The Selective Service System National Emergency Travel Warrant part of this rule making was published 10/11/84 49 FR 39918.

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Review Branch, (FWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA05

3023. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None.

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor government-wide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Bobby Daniels, Accounting Specialists, General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight(PG), Washington, DC 20405, 202 566-1426

RIN: 3090-AB31

FEDERAL SUPPLY AND SERVICES

3024. UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48

Legal Deadline: None.

Abstract: Parts 42-46 and Part 48 prescribe policies and procedures for the utilization and disposal of personal property by Federal agencies. A number of executive agencies have indicated that these parts need to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of these parts to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M. Duda, Director, Property MGMT Div., General Services Administration, Property Management Division (FBP), Washington, DC 20405, 202 557-0807

RIN: 3090-AA45

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3025. REVISION OF ACQUISITION AND MANAGEMENT PROVISIONS REGARDING THE CHANGING TELECOMMUNICATION MARKETPLACE, INCLUDING THE DETARIFFING OF CUSTOMER PREMISES EQUIPMENT (84.06A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201 to 21; 41 CFR 201 to 38; 41 CFR 201 to 39; 41 CFR 201 to 40

Legal Deadline: None.

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Government-wide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM FIRMR Amendment	05/00/87	

Small Entity: No

Agency Contact: George Pesce, Communications Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090-AB08

3026. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-34; 41 CFR 201-45

Legal Deadline: None.

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish the responsibilities of Federal agencies in their management of electronic recordkeeping. The responsibilities of the pertinent central management agencies, GSA and the National Archives and Records Administration, will be included.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Carolyn A. Thomas, Program Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090-AC54

3027. ● UPDATE OF GOVERNMENTWIDE POLICIES AND REGULATIONS REGARDING FEDERAL EMPLOYEE USE OF GOVERNMENT TELEPHONE SYSTEMS (87.14A)

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751 (f)

CFR Citation: 41 CFR 201-38

Legal Deadline: None.

Abstract: This regulation changes provisions in the Federal Information Resources Management Regulation regarding Federal employee use of Government telephone systems. The intent is to take a more rational approach to what abuse is and to reasonably reflect the practice in the private sector. Enforcement of the new provisions should save money by making it possible to detect and control genuine abuse.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	10/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Roger W. Walker, Chief, Regulations Branch, General Services Administration, GSA Information Resources Mgt. Service KMPR, 202 566-0194

RIN: 3090-AC75

3028. ● IMPLEMENTATION OF ADDITIONAL FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) AND FEDERAL TELECOMMUNICATIONS STANDARD (FED-STD) IN THE FEDERAL INFORMATION RESOURCES MANAGEMENT (CONT)

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-8

Legal Deadline: None.

Abstract: The following FIPS and Fed-Std are implemented in the FIRMR. Standard requirement statements for incorporation by federal agencies into solicitations for acquisition are included. FIPS PUB 121 - Videotext/teletext Presentation Level Protocol. FIPS PUB 120 - Graphical

GSA **Proposed Rule Stage**

Kernel System (GKS). FIPS PUB 123 - Specification for Data Descriptive File for Information Interchange (DDF). FIPS PUB 125 - Acquisition of MUMPS Language Compliers FED-STD 1005A - Telecommunications; Coding Modulation Requirement for 2400 Bit/Second Modems.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
NPRM Comment Period End	05/00/87	
Final Action	08/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Additional Information: TITLE CONT: Regulation (FIRMR) (86.101a)

Government Levels Affected: Federal

Agency Contact: Mary Anderson, Computer Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management SOurce, Washington, DC 20405, 202 526-0174

RIN: 3090-AC86

OFFICE OF ORGANIZATION AND PERSONNEL

3029. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None.

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation. Employment Opportunity Commission. The Department of Justice's comments on regulation with respect to GSA's role as the Federal Government landlord have been received. Comments regarding the program portion of the regulation have not been received.

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090-AC48

3030. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None.

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This proposed rule is being reviewed by the Department of Justice. The Equal Employment Opportunity Commission has also requested a second review of the regulation before publishing as a proposed rule. All internal and other external comments have been reconciled.

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090-AC49

GENERAL SERVICES ADMINISTRATION (GSA) — Final Rule Stage

ACQUISITION POLICY

3031. SUPPLY SOURCES AND RELATED PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Legal Deadline: None.

Abstract: Part 101-26 prescribes policies and procedures for the procurement of personal property and nonpersonal services by Federal agencies from established Government supply sources. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	

Small Entity: No

Agency Contact: Donna M. Stright, Director, General Services

Administration, Regulations and Policy Division (FFY), Washington, DC 20406, 202 557-1253

RIN: 3090-AA89

3032. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- SMALL BUSINESS TECHNICAL ADVISORS

Legal Authority: 40 USC 486(c) (Sec 205(c), 63 Stat. 390)

CFR Citation: 48 CFR 519

Legal Deadline: None.

Abstract: The GSAR will be amended to delete mandatory annual review requirements of class set aside determinations and to reflect the function of the GSA Small Business Technical Advisors.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB39

3033. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 519

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 519

Legal Deadline: None.

Abstract: To issue a GSAR amendment in Part 519, Small Business and Small Disadvantaged Business Concerns, regarding the subcontracting plan reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/10/84	50 FR 14122
NPRM Comment Period End	05/10/84	
Final Action	04/00/87	

Small Entity: Not Applicable

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090-AB76

3034. FEDERAL PROCUREMENT DATA SYSTEM (FPDS) REPORTING REQUIREMENTS (GSAR 5-113)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 504; 48 CFR 553

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the material currently in the Procurement Management Information System (PMIS) handbook into the regulation; the handbook provides guidance, procedures, and instructions on the preparation of various recurring procurement reporting requirements.The FPDS provides a comprehensive mechanism for assembling, organizing and presenting contract order, lease, schedule, and placement data for the Federal Government.

Timetable:

Action	Date	FR Cite
Final Action	06/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC56

3035. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data (DSMD) sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS Solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090-AC61

3036. BANKRUPTCY, INSOLVENCY OR DISSOLUTION OF A BUSINESS (GSAR 5-140)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 542

Legal Deadline: None.

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to provide guidance to contracting officers on handling situations where a contractor is experiencing financial difficulty, has filed for bankruptcy, or is dissolving its business.

Timetable:

Action	Date	FR Cite
NPRM	09/11/86	51 FR 32340
Final Action	04/00/87	

Small Entity: No

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & Streets, NW, Washington, DC 20205, 202 523-3822

RIN: 3090-AC72

OFFICE OF THE COMPTROLLER

3037. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This rule revises Public Voucher for Transportation Charges,

Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Gracie Jones, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, 202 786-3007

RIN: 3090-AB69

3038. REVISION OF VOUCHER AND SCHEDULE OF PAYMENTS STANDARD FORM 1166 INSTRUCTIONS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This rule provides explicit instructions for handling voucher schedules to minimize payment accounting problems and ensure that proper payment information accompanies payment checks to carriers.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16316
Final Action	05/00/87	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Review Branch, (FWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB97

3039. AUDIT PROCEDURES FOR COMMERCIAL BILLS OF LADING-COST-REIMBURSEMENT-TYPE CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This rule requires contractors doing business with the United States Government to submit cost reimbursement-type contract commercial bills of lading to GSA for audit.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27625
Final Action	05/00/87	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, FWCP, Washington, DC 20405, 202 786-3014

RIN: 3090-AC20

3040. REVISION OF STANDARD FORM 1203 - US GOVERNMENT BILL OF LADING - PRIVATELY OWNED PERSONAL PROPERTY

Legal Authority: 31 USC 3726; 40 USC 486 (c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This amendment will reduce the number of parts in the Standard Form 1203, US Government Bill of Lading-Privately Owned Personal Property set from nine to six. The increased use of state of the art printers that can print only six copies necessitates this change.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	50 FR 27626
Final Action	05/00/87	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, Regulations, Procedures & Review, General Services Administration, FWCP, Washington, DC 20405, 202 786-3014

RIN: 3090-AC21

FEDERAL PROPERTY RESOURCES SERVICE

3041. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98 et seq Strat. & Crit. Materials Stock Piling Act; EO 12155

CFR Citation: 41 CFR 101-14.4

Legal Deadline: None.

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	06/30/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: J. Wayne Kulig, Assistant Commissioner, General Services Administration, Office of National Defense Stockpile (DN), Washington, DC 20405, 202 535-7671

RIN: 3090-AA40

3042. DISPOSALS TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.303-2; 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(d); 41 CFR 101-47.303-2(e); 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(g); 41 CFR 101-47.4906; 41 CFR 101-47.4906-2

Legal Deadline: None.

Abstract: Executive Order 12372 superseded OMB Circular A-95 and established new procedures for intergovernmental consultation on certain Federal programs and activities. The E.O. places certain requirements on GSA to notify and respond to state review process comments or recommendations concerning real property disposals to public agencies.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Government Levels Affected: State

Agency Contact: James M. Kearns, Act. Director, Policy and Planning Div.(DRP), General Services Administration, 18th & F Sts., NW, Washington, DC 20405, 202 535-7052

RIN: 3090-AB55

GSA

Final Rule Stage

3043. PROPERTY FOR CORRECTIONAL FACILITIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-9

Legal Deadline: None.

Abstract: In order to implement Section 701 of P.L. 98-473 to transfer or convey to the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof surplus real and related personal property determined by the Attorney General to be required for correctional facility use. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: Undetermined

Government Levels Affected: Local, State

Agency Contact: James M. Kearns, Acting Director, General Services Administration, Policy & Planning Division (DRP), Washington, DC 20405, 202 535-7052

RIN: 3090-AB72

FEDERAL SUPPLY AND SERVICES

3044. DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Legal Deadline: None.

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; and (9) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the donation program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M.Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA23

3045. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None.

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA24

3046. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Legal Deadline: None.

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	06/01/87	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA30

3047. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None.

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management

Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090-AA42

3048. COST EFFECTIVE PROCUREMENT OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102; 41 CFR 101-26.3; 41 CFR 101-26.4; 41 CFR 101-26.5; 41 CFR 101-26.39; 41 CFR 101-40; 41 CFR 101-43; 41 CFR 101-45

Legal Deadline: None.

Abstract: In considering cost effectiveness, the effects of Gramm-Rudman will be evaluated with respect to resource impact both on GSA and other Federal agencies. The potential effects of delegating procurement and/or logistics support authority to any agency will be carefully balanced against the Government's need for quality products and services at the lowest cost (price and other factors considered), delivered in a timely manner. Heads of potentially affected agencies will be consulted and made a part of the decision-making process before a determination is made by GSA to redelegate to an agency any functions assigned by law to the Administrator of General Services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/18/85	51 FR 1793
Final Action	06/30/87	

Small Entity: No

Agency Contact: Donna M. Stright, Director, Regulations and Policy Division, General Services Administration, Regulations and Policy Division (FFY), Office of Policy and Agency Liaison, Washington, DC 20406, 703 557-1253

RIN: 3090-AA95

3049. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR Change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). This FTR change will implement those provisions of OMB Circular A-126 which pertain to use of Government aircraft for official travel. Also included will be revised policies and procedures for use of rental cars in lieu of Government-contract rental vehicles under GSA Federal Supply Schedule Contracts.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC00

3050. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724(a)(4); EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement amendments to Chapter 2, Part 6, to adjust, according to CPI change, the maximum dollar amounts for reimbursement of allowable real estate sale and purchase expenses incident to a change of official station.

Timetable:

Action	Date	FR Cite
Final Action	10/00/87	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC24

3051. PAYMENT OF SUBSTITUTE DOCUMENTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None.

Abstract: This proposed rule will enable Government Finance Centers to delay payments on substitute documents, without incurring interest payments under the Prompt Payment Act, until verification that prior payment has not been made. Finance offices have reported a increase in duplicate payments due to recent changes concerning payment of substitute documents.

Timetable:

Action	Date	FR Cite
NPRM	07/31/86	
NPRM Comment Period End	09/02/86	51 FR 27425
Final Action	05/00/87	

Small Entity: No

Agency Contact: Betty Brown, Transportation Specialist, General Services Administration, Regulations & Procedures Section (FWCP/R), Federal Supply Services, Washington, DC 20405, 202 786-3011

RIN: 3090-AC36

3052. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, (Supplement unassigned). FTR change adjusts the mileage rate for use of privately owned automobiles when such use is advantageous to the Government. (Supplement unassigned).

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, 703 557-1253

RIN: 3090-AC38

GSA — Final Rule Stage

3053. CHANGE TO FEDERAL TRAVEL REGULATION (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 572(b); EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new tables for determining the Federal and State marginal tax rate for use in calculating the relocation income tax (RIT) allowance covering relocation expense reimbursements received during the 1986 tax year.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Additional Information: Final action being delayed due to impact of Tax Reform Act of 1986 on RIT allowance computation procedures.

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Service, Washington, DC 20406, **703 557-1253**

RIN: 3090-AC42

3054. CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7, SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707; EO 11609

CFR Citation: 41 CFR 101-7

Legal Deadline: None.

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will provide clarification and potential revision to the current per diem regulation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Additional Information: These FTR changes may be issued in two separate supplements. If so, anticipated target date for second supplement is 4th quarter, FY 87.

Government Levels Affected: Federal

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Regulations and Policy Division (FFY), Federal Supply Sservic, Washington, DC 20406, **703 557-1253**

RIN: 3090-AC52

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3055. FIRMR IMPLEMENTATION OF THE ADP DISPUTE RESOLUTION SECTION OF THE COMPETITION IN CONTRACTING ACT OF 1984 - PROJECT 84.63A

Legal Authority: 40 USC 751(f)

CFR Citation: 41 CFR 201-32

Legal Deadline: None.

Abstract: This project will add coverage to the FIRMR to address Federal agency responsibilities under the ADP dispute resolution section of Public Law 98-369, the competition in Contracting Act of 1984. The issuance will reflect changes made to Sec. 111 of the Federal Property and Administrative Services Act of 1949, as amended by the enactment of Pub. L. 99-500 on October 18, 1986.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Additional Information: This regulatory proposal was delayed pending issuance of GSBCA and FAR implementing regulations. The regulation was signed by the Administrator of General Services on July 1, 1986. Publication depends on OMB clearance under EO 12291 procedures.

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, **202 566-0194**

RIN: 3090-AB64

3056. REVISION OF ADPE REUTILIZATION POLICIES AND PROCEDURES INCLUDING INSTRUCTIONS FOR SF 120, PROJECT 86.14A

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201 to 33

Legal Deadline: None.

Abstract: This project revises FIRMR provisions regarding the reutilization of excess and exchange/sale Automatic Data Processing Equipment (ADPE). Instructions for agency submission of Standard Form 120 to GSA are included. The objective is to streamline the removal of excess ADPE equipment from agencies and encourage only efficient reuse by other agencies.

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	51 FR 31674
Final Action	05/00/87	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington DC 20405, **202 566-0194**

RIN: 3090-AC25

PUBLIC BUILDINGS SERVICE

3057. FEDERAL EMPLOYEE PARKING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Legal Deadline: None.

Abstract: This regulation will revise procedures for the assignment of parking spaces at federally controlled facilities.

Timetable:

Action	Date	FR Cite
Temporary Regulation D-69	04/15/83	48 FR 16272
Final Action	03/31/86	51 FR 11022
Extended D-69 expiration date	04/01/86	51 FR 11022
Extend D-69 expiration date	04/30/87	

Small Entity: No

Agency Contact: John Quigley, Director, General Services Administration, Assignment and Utilization Div. (PQU), Washington, DC 20405, **202 566-0059**

RIN: 3090-AA68

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

3058. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 29; PRICE ADJUSTMENT AND ALLOCATION OF ORDERS CLAUSES

CFR Citation: 48 CFR 522; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	07/02/86	51 FR 28815

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC39

3059. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE 36, MISCELLANEOUS FORMS

CFR Citation: 48 CFR 509; 48 CFR 513; 48 CFR 514; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	12/16/86	51 FR 45895

Small Entity: No

Agency Contact: Majorie Ashby 202 523-3822

RIN: 3090-AC40

3060. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 23, PROTESTS TO THE GAO AND CHARGES FOR BIDDING DOCUMENTS

Significance: Regulatory Program

CFR Citation: 48 CFR 501; 48 CFR 533; 48 CFR 536

Completed:

Reason	Date	FR Cite
Final Action	01/29/86	51 FR 5331

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC55

3061. CONTRACTOR INSPECTION REQUIREMENTS, CHANGE 24 (GSAR 5-92)

CFR Citation: 48 CFR 546; 48 CFR 552; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	03/03/86	51 FR 8678

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC57

3062. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 35, MISCELLANEOUS CHANGES

CFR Citation: 48 CFR 501; 48 CFR 513; 48 CFR 552; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	12/15/86	51 FR 45892

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC58

3063. INSURANCE REQUIREMENTS (GSAR 5-126)

CFR Citation: 48 CFR 528; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	02/18/87	52 FR 6564

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC60

3064. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE 33, LETTER CONTRACTS FOR ARCHITECT-ENGINEER SERVICES

CFR Citation: 48 CFR 516

Completed:

Reason	Date	FR Cite
Final Action	10/24/86	51 FR 39862
Final Action Effective	10/24/86	51 FR 39862

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC62

3065. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 25, MISCELLANEOUS CHANGES

CFR Citation: 48 CFR 501; 48 CFR 514; 48 CFR 515; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	04/17/86	51 FR 16690
Final Action Effective	04/17/86	51 FR 16690

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC63

3066. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 26, PROMPT PAYMENT DISCOUNTS

CFR Citation: 48 CFR 510; 48 CFR 514; 48 CFR 515; 48 CFR 528; 48 CFR 532; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	05/08/86	51 FR 23060

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC65

3067. STATUS REPORT OF ORDERS AND SHIPMENTS, ACQUISITION CIRCULAR (AC-86-6) (GSAR 5-160)

CFR Citation: 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	07/03/86	51 FR 25703

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC66

3068. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 37, BID ACCEPTANCE TIME

CFR Citation: 48 CFR 514; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	12/16/86	51 FR 45897
Final Action Effective	12/16/86	51 FR 45897

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC70

3069. REVISED PROCEDURES FOR USE OF THE GSA FORM 300, ORDER FOR SUPPLIES AND SERVICES, ACQUISITION CIRCULAR (AC-86-4) (GSAR 5-150)

CFR Citation: 48 CFR 513; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	04/04/86	51 FR 12704

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC71

3070. ●CHANGE 38, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

CFR Citation: 48 CFR 525; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	12/18/86	52 FR 278
Final Action Effective	12/18/86	52 FR 278

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC77

3071. ●ACQUISITION CIRCULAR GSAR AC-86-8

CFR Citation: 48 CFR 525

Completed:

Reason	Date	FR Cite
Final Action	12/19/86	52 FR 58
Final Action Effective	01/01/87	52 FR 58

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC78

3072. ●CHANGE 34, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

CFR Citation: 48 CFR 506

Completed:

Reason	Date	FR Cite
Final Action	11/24/86	51 FR 44990
Final Action Effective	11/24/86	51 FR 44990

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC79

3073. ●CHANGE 30, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

CFR Citation: 48 CFR 522; 48 CFR 552; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	08/25/86	51 FR 32654
Final Action Effective	08/25/86	51 FR 32654

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC80

3074. ●CHANGE 32, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

CFR Citation: 48 CFR 502; 48 CFR 409

Completed:

Reason	Date	FR Cite
Final Action	10/22/86	51 FR 39861
Final Action Effective	10/22/86	51 FR 39861

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC82

3075. ●ACQUISITION CIRCULAR AC-86-7, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION

CFR Citation: 48 CFR 505; 48 CFR 513; 48 CFR 519; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	11/03/86	51 FR 41506
Final Action Effective	11/03/86	51 FR 41506

Small Entity: No

Agency Contact: Majorie Ashby 202 523-3822

RIN: 3090-AC83

3076. ●CHANGE 31, GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)

CFR Citation: 48 CFR 546

Completed:

Reason	Date	FR Cite
Final Action	09/22/86	51 FR 35220
Final Action Effective	09/22/86	51 FR 35220

Small Entity: No

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090-AC84

3077. COLLECTION OF CLAIMS OWED THE UNITED STATES

CFR Citation: 41 CFR 105

Completed:

Reason	Date	FR Cite
Final Action	09/16/85	50 FR 37529
Final Action Effective	09/16/85	50 FR 37529

Small Entity: No

Agency Contact: David C. Fisher, Jr. 202 566-1460

RIN: 3090-AB45

3078. REPORT OF IDENTICAL BIDS

CFR Citation: 41 CFR 101-47.304-8

Completed:

Reason	Date	FR Cite
Final Action	02/25/87	52 FR 5542

Small Entity: No

Agency Contact: James M. Kearns 202 535-7052

RIN: 3090-AC73

3079. CHANGE SUPPLEMENT (UNASSIGNED) TO SUPPLEMENT 22

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	11/10/86	51 FR 45057
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Audrey E. Rish 703 557-1253

RIN: 3090-AC43

GSA

Completed Actions

3080. IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING STANDARDS(FIPS) AND FEDERAL TELECOMMUNICATIONS STANDARDS (FED-STDS) PROJECT 86.17A ACQUISITION POLICY CLARIFICATIONS ARE ADDED

CFR Citation: 41 CFR 201-8; 41 CFR 201-11; 41 CFR 201-24; 41 CFR 201-30; 41 CFR 201-34

Completed:

Reason	Date	FR Cite
Final Action	03/30/87	52 FR 10086

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090-AC26

3081. CLARIFICATION OF FIRMR IMPLEMENTATION OF BROOKS ACT EXCLUSIVE PROCUREMENT AUTHORITY 86.69A

Significance: Regulatory Program

CFR Citation: 41 CFR 201-1; 41 CFR 201-23; 41 CFR 201-24

Completed:

Reason	Date	FR Cite
Withdrawn	10/18/86	

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090-AC53

3082. ●INTERIM IMPLEMENTATION OF PUB. L. 99-500 TITLE VIII BROOKS ACT, AMENDMENTS (87.09T)

Significance: Regulatory Program

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Completed:

Reason	Date	FR Cite
Issue Temporary Regulation	12/23/86	51 FR 45887

Small Entity: No

Agency Contact: Roger W. Walker 202 566-0194

RIN: 3090-AC76

3083. ●INFORMATION RESOURCES MANAGEMENT REVIEWS - EXTENSION OF TEMPORARY REGULATION AND CHANGES (86.48T)

CFR Citation: 41 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	02/19/87	52 FR 5113

Small Entity: No

Agency Contact: Phillip R. Patton 202 566-0194

RIN: 3090-AC81

3084. FEDERAL ADVISORY COMMITTEE MANAGEMENT

Significance: Agency Priority

CFR Citation: 41 CFR 101-6.10; 41 CFR 101-11.12

Completed:

Reason	Date	FR Cite
Withdrawn	01/08/87	

Small Entity: No

Agency Contact: Charles F. Howton 202 523-4884

RIN: 3090-AA62

[FR Doc. 87-6620 Filed 04-24-87; 8:45 am]

BILLING CODE 6820-61-T

federal register

Monday
April 27, 1987

Part XXIV

United States International Development Cooperation Agency/Agency for International Development

Semiannual Regulatory Agenda

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, DC 20523, Telephone (703) 875-1573.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Ain H. Kivimae,

Deputy Assistant to the Administrator for Management.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Prerule Stage

3085. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT — EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 209

Legal Deadline: None.

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: **Leticia Peoples**, Equal Opportunity Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, **202 663-1340**

RIN: 0412-AA01

3086. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Legal Deadline: None.

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement Title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Leticia Peoples**, Equal Opportunity Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Equal Opportunity Programs (EOP), Room 1224 SA - 1, Washington, DC 20523, **202 663-1340**

RIN: 0412-AA04

3087. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None.

IDCA — Prerule Stage

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food For Peace, Bureau For Food For Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA06

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Proposed Rule Stage

3088. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None.

Abstract: This regulation sets forth provisions of the Agency for International Development (A.I.D.), acting as an Agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, Pub. L. 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412-AA05

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Completed Actions

3089. PER DIEM PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Legal Authority: 22 USC 2396

CFR Citation: 22 CFR 205

Legal Deadline: None.

Abstract: This regulation prescribes the terms and conditions governing the payments to and on behalf of participants in nonmilitary economic development training programs.

Timetable:

Action	Date	FR Cite
Withdrawn	02/03/87	

Small Entity: No

Agency Contact: Richard F. Calhoun, Asst. Director for Resources & Support, United States International Development Cooperation Agency/Agency for International Development, Office of Participant Training Bureau for Science and Technology, Washington, DC 20523, **703 235-1984**

RIN: 0412-AA07

[FR Doc. 87-6621 Filed 04-24-87; 8:45 am]

BILLING CODE 6116-01-T

federal register

Monday
April 27, 1987

Part XXV

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from April 1987 through March 1988. They are submitted herein for publication in the Unified Agenda of Federal Regulations. E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Policy and Evaluation, (202) 653-8900.

DATED: March 2, 1987.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Prerule Stage

3090. ● PART 1205 - PRIVACY ACT

Legal Authority: 5 USC 552a Privacy Act

CFR Citation: 5 CFR 1205

Legal Deadline: None.

Abstract: Pursuant to 5 USC 552a(f), the Board is required to promulgate regulations pursuant to notice and receipt of public comment establishing procedures for responding to individual requests for access to records covered by the Privacy Act; for the amendment of records covered by the Act and for appeals of adverse rulings on such requests; and for fees to be charged for copying requested records. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review and revise these regulations to reflect changes and interpretations in the law since their original publication.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/87	
End Review	06/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, 202 653-7200

RIN: 3124-AA05

3091. ● PART 1206 OPEN MEETINGS

Legal Authority: 5 USC 552b Government in the Sunshine Act

CFR Citation: 5 CFR 1206

Legal Deadline: None.

Abstract: Pursuant to 5 U.S.C. 552b, the Board is required to promulgate regulations, pursuant to notice and receipt of public comment, establishing procedures by which it will conduct open meetings. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review and revise these regulations to reflect changes and interpretations in the law since their original publication.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/87	
End Review	08/00/87	
Final Action Effective	10/00/87	

Small Entity: No

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, 202 653-7200

RIN: 3124-AA06

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Proposed Rule Stage

3092. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Legal Deadline: None.

Abstract: To effectuate Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending Section 504 of P.L. 95-602.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	07/00/87	
Final Action Effective	07/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Stanley Valadez, Director, Office of Equal Employment, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-6180

RIN: 3124-AA01

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Final Rule Stage

3093. PART 1204 - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 5 CFR 1204, (Revision)

Legal Deadline: None.

Abstract: Pursuant to 5 U.S.C. 552(a)(4)(A) the Board is required to promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of the agency. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review and revise these regulations to reflect changes and interpretations in the law since their original publication.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	02/00/87	
Final Action Effective	04/25/87	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-7208

RIN: 3124-AA03

3094. ● PART 1200 - BOARD ORGANIZATION

Legal Authority: 5 USC 552 Public Information; 5 USC 1205(g) and (i) Authority

CFR Citation: 5 CFR 1200

Legal Deadline: None.

Abstract: Pursuant to 5 U.S.C. 552, the Board provides the public current information regarding the Board's organization and a statement of functions assigned to each organizational unit. Certain title changes and other realignments are planned (or are in process) since January 27, 1986 when the Board's organization was published last (51 FR 3321).

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Policy and Evaluation, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8900

RIN: 3124-AA04

[FR Doc. 87-6622 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXVI

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Management Analysis Office (Code NM), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 87-6, "Regulatory Program of the United States Government (April 1, 1987 - March 31, 1988) and Unified Agenda of Federal Regulations for April 1987," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

Ray S. Mayfield,

Director, Management Analysis Office.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3095	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3096	NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags	2700-AA15
3097	Nondiscrimination on the Basis of Handicap	2700-AA24
3098	Standards of Conduct	2700-AA30
3099	Major System Acquisitions	2700-AA38
3100	Source Evaluation Board Manual	2700-AA39
3101	Data and Copyrights	2700-AA40
3102	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign Etc	2700-AA45
3103	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3104	Availability of Agency Records to Members of the Public	2700-AA49
3105	Payload Specialists for NASA or NASA Related Payloads	2700-AA52
3106	Extraterrestrial Exposure	2700-AA53
3107	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3108	Release of Information to News and Information Media	2700-AA58
3109	Broad Agency Announcements	2700-AA65
3110	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3111	Administrative Remedies for False Claims and Statements	2700-AA71

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3112	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3113	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3114	Patent Waiver Regulations	2700-AA10
3115	Monetary Claims (General); Collection of Civil Claims and Offset	2700-AA22
3116	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3117	Emergency Personnel Security Adjudication and Procedures	2700-AA31
3118	Implementation of the Equal Access to Justice Act in Agency Proceedings	2700-AA42
3119	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3120	Duty-Free Entry of Space Articles	2700-AA62
3121	Environmental Quality; Floodplain and Wetlands Management	2700-AA70
3122	Statement of Organization and General Information	2700-AA72

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3095. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Legal Deadline: None.

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/88	

Small Entity: No

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1252

RIN: 2700-AA14

3096. NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES, AND FLAGS

Legal Authority: 42 USC 2473(a), (b)(1)

CFR Citation: 14 CFR 1221, Subpart 1

Legal Deadline: None.

Abstract: Sets forth NASA policy, procedures, and guidelines for use of NASA Logotype Insignia.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Robert Schulman, Office of External Relations (Code LFF), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8327

RIN: 2700-AA15

3097. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 1250

Legal Deadline: None.

Abstract: Implements agency's policy and procedures for implementing Section 504 of the Rehabilitation Act of 1973, as amended, concerning nondiscrimination on the basis of handicap in programs or activities conducted by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Teresa Stremel, Office of General Counsel (Code GG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA24

3098. STANDARDS OF CONDUCT

Legal Authority: EO 11222; PL 95-521, Titles II and IV as amended by PL 96-19; PL 96-28; PL 98-150

CFR Citation: 14 CFR 1207

Legal Deadline: None.

Abstract: This proposed revision will incorporate the latest Public Laws on Federal employees ethics.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Elizabeth N. Siegel, Office of General Counsel (Code GG), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA30

3099. MAJOR SYSTEM ACQUISITIONS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Revise and update procedures for major systems acquisition.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: John E. Horvath, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, 202 453-2082

RIN: 2700-AA38

3100. SOURCE EVALUATION BOARD MANUAL

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Revise and update procedures for conduct of Source Evaluation Boards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Charles R. Yetter, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code HS), Washington, DC 20546, 202 453-2074

RIN: 2700-AA39

3101. DATA AND COPYRIGHTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

Abstract: Change to conform regulations with Federal Acquisition Regulations changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Not Applicable

Agency Contact: Stuart J. Evans, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters (Code H), Washington, DC 20546, 202 453-2090

RIN: 2700-AA40

3102. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 72 Stat 429; 42 USC 2473; PL 87-624, Sec 201(b); 76 Stat 421; 47 USC 721(b)

CFR Citation: 14 CFR 1214, Subpart 1; 14 CFR 1214, Subpart 2

Legal Deadline: None.

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, National Aeronautics and Space Administration, NASA Headquarters (Code MC), Washington, DC 20546, 202 453-1252

RIN: 2700-AA45

3103. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1), (3), (5), (6), and (14); 14 CFR 1250.111(c)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None.

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700-AA47

3104. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2473; 5 USC 552 as amended by PL 93-502; 5 USC 552 as amended; PL 93-502

CFR Citation: 14 CFR 1206

Legal Deadline: None.

Abstract: The purpose of this proposed revision is to identify the current costs for obtaining materials.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Rosemarie R. Vitagliano, Office of the Administrator (Code AEM), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8555

RIN: 2700-AA49

3105. PAYLOAD SPECIALISTS FOR NASA OR NASA RELATED PAYLOADS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 72 Stat 429 as amended; PL 87-624, Sec 201(b); 47 USC 721(b) 76 Stat 421

CFR Citation: 14 CFR 1214, Subpart 3

Legal Deadline: None.

Abstract: Revises existing regulation to reflect current practices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Robert A. Schmitz, Office of Space Science and Applications, (Code EM), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1703

RIN: 2700-AA52

3106. EXTRATERRESTRIAL EXPOSURE

Legal Authority: Secs 203, 304, 72 Stat 429, 433; 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None.

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: No

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, (Code EB), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1530

RIN: 2700-AA53

3107. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205, Subpart 1

Legal Deadline: None.

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: No

Agency Contact: John F. Devlin, Office of Space Science and Applications, (Code EPS), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1630

RIN: 2700-AA54

3108. RELEASE OF INFORMATION TO NEWS AND INFORMATION MEDIA

Legal Authority: 42 USC 2473(a)(3) Sec 203(a)(3)

CFR Citation: 14 CFR 1213, Subpart 1

Legal Deadline: None.

Abstract: Sets forth NASA policy governing the release of information in any form to news and information media.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: James W. McCulla, Office of External Relations (Code LFD), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8398

RIN: 2700-AA58

3109. BROAD AGENCY ANNOUNCEMENTS

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 00

Legal Deadline: None.

NASA

Proposed Rule Stage

Abstract: NASA implementation of announcements authorized at FAR Subpart 6.1.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: W. A. Greene, Office of Procurement, NASA Headquarters (Code HP), National Aeronautics and Space Administration, Washington, DC 20546, **202 453-2119**

RIN: 2700-AA65

3110. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: Title IX of the Education Amendments of 1972; 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None.

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974 law, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Program, NASA Headquarters (Code U), National Aeronautics and Space Administration, Washington, DC 20546, **202 453-2163**

RIN: 2700-AA69

3111. ● ADMINISTRATIVE REMEDIES FOR FALSE CLAIMS AND STATEMENTS

Legal Authority: 42 USC 2473(c); 31 USC 3801 et seq; PL 99-509

CFR Citation: 14 CFR 00

Legal Deadline: None.

Abstract: Proposed regulation to implement the Program Fraud Civil Remedies Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Sara Najjar, Office of General Counsel (Code G), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2432**

RIN: 2700-AA71

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3112. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214, Subpart 13

Legal Deadline: None.

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert J. Wojtal, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 453-2446**

RIN: 2700-AA00

3113. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Legal Deadline: None.

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/87	

Small Entity: No

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1252**

RIN: 2700-AA01

3114. PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Legal Deadline: None.

Abstract: To adopt Presidential Memorandum on Government Patent Policy of 02/18/83.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/83	48 FR 22132
Final Action	07/00/87	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA

Headquarters, Washington, DC 20546, 202 453-2424

RIN: 2700-AA10

3115. MONETARY CLAIMS (GENERAL); COLLECTION OF CIVIL CLAIMS AND OFFSET

Legal Authority: 42 USC 2473(c); 5 USC 5514; 31 USC 3701

CFR Citation: 14 CFR 1261

Legal Deadline: None.

Abstract: Proposed regulation to implement the claims collection and offset standards of the Debt Collection Act in accordance with the GAO/DOJ joint regulations and the salary offset OPM regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/03/85	50 FR 13228
NPRM Comment Period End	06/03/85	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, Code G, NASA Headquarters, Washington, DC 20546, 202 453-2432

RIN: 2700-AA22

3116. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 72 Stat as amended; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None.

Abstract: Revised regulation to reflect the CY 1988 rate changes for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Robert O. Aller, Office of Space Tracking and Data Systems, National Aeronautics and Space Administration, NASA Headquarters (Code T), Washington, DC 20546, 202 453-2019

RIN: 2700-AA29

3117. EMERGENCY PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 ET SEQ; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203

Legal Deadline: None.

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2548
Final Action	10/00/87	

Small Entity: No

Agency Contact: Jerome Verba, National Aeronautics and Space Administration, NASA Security Office, NASA Headquarters (Code NIS), Washington, DC 20546, 202 453-2946

RIN: 2700-AA31

3118. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504 et al; 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1262

Legal Deadline: None.

Abstract: Amends existing regulation to reflect statutory changes and procedures for the award of attorney fees and other expenses in agency adversary adjudication.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/23/86	51 FR 15311
Interim Final Rule Comment Period End	06/23/86	

Next Action Undetermined

Small Entity: No

Agency Contact: Sara Najjar, Office of General Counsel(Code G), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2432

RIN: 2700-AA42

3119. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: Title VI of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None.

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, (Code U), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700-AA50

3120. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 96 Stat 2335-2336 and 2345-2346; 19 USC 1202 note

CFR Citation: 14 CFR 1214 Subpart 15

Legal Deadline: None.

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/87	

Small Entity: No

Agency Contact: Robert J. Wojtal, Office of General Counsel, NASA Headquarters (Code GK), National

NASA

Final Rule Stage

Aeronautics and Space Administration, Washington, DC 20546, 202 453-2446

RIN: 2700–AA62

3121. ENVIRONMENTAL QUALITY; FLOODPLAIN AND WETLANDS MANAGEMENT

Legal Authority: EO 11988; EO 11990; 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1216 Subpart 2

Legal Deadline: None.

Abstract: Revises regulation to reflect current organization and responsibilities of NASA officials.

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Agency Contact: Lewis E. Andrews, Office of Management, NASA Headquarters (NXG), National Aeronautics and Space Administration, Washington, DC 20546, 202 453-1972

RIN: 2700–AA70

3122. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Legal Authority: Space Act of 1958 (72 Stat. 426, 42 USC 2451 et seq.)

CFR Citation: 14 CFR 1201

Legal Deadline: None.

Abstract: NASA is revising its Statement of Organization and General Information to reflect its current organizational structure. Since this action is editorial in nature, notice and public comment procedures are not required.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Margaret M. Herring, Office of Management Analysis (Code NMI), National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2922

RIN: 2700–AA72

[FR Doc. 87-6623 Filed 04-24-87; 8:45 am]

BILLING CODE 7510-01-T

federal register

Monday
April 27, 1987

Part XXVII

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1986. This agenda was developed under the guidelines in OMB Bulletin No. 87-6, dated December 4, 1986. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Constance, Chief, Information Management and Directives Branch, (202) 523-3214.

Frank G. Burke,

Acting Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3123	Adequate and Proper Documentation	3095-AA07
3124	Transfers to the National Personnel Records Center	3095-AA15

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3125	Public Use of the National Archives Building	3095-AA06
3126	Transfers to the National Personnel Records Center	3095-AA16
3127	Membership on State Historical Records Advisory Boards	3095-AA20
3128	Restrictions on Access to Archival Records	3095-AA21
3129	Micrographics Records Management	3095-AA22
3130	Implementation of Revised OMB Circular A-102	3095-AA23
3131	NARA Implementation of Presidential Records Act	3095-AA24
3132	NARA Standards of Conduct	3095-AA25
3133	Statistical Research in Records Containing Personal Information	3095-AA26
3134	Electronic Records Management	3095-AA29
3135	Disposition of Federal Records	3095-AA30
3136	NARA Fee Schedule	3095-AA33
3137	Enforcement Nondiscrimination on the Basis of Handicap in Federally-conducted Programs	3095-AA35

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3138	Use of Privately Owned Microfilm Equipment to Copy Records in the National Archives and Presidential Libraries	3095-AA28
3139	FOIA Amendments	3095-AA34

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3140	Audiovisual Records Management	3095-AA18
3141	Use of Archival Research Rooms in NARA Field Facilities	3095-AA32

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Prerule Stage

3123. ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497; 44 USC 2901 to 2909; 44 USC 3101; 44 USC 3102; 44 USC 3105; 44 USC 3106

CFR Citation: 44 CFR 101-11.202; 36 CFR 1220.20

Legal Deadline: None.

Abstract: The head of each Federal agency is required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. The introduction of modern technology into Federal records systems presents problems in meeting this requirement because of the erasable storage media and complex storage formats. The Archivist of the United States is required to provide guidance and standards to agencies. Thus, the National Archives and Records Administration is reviewing the regulations regarding proper and adequate documentation to determine if they are sufficient to insure proper retention and retrievability of the information until its authorized disposition under an approved records control schedule. If this review determines agencies need different or new guidance, consideration is being given to providing such information through the Bulletin structure.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	06/00/87	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB03.

Agency Contact: Mary Ann Wallace, Dir., Agency Services Division, (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095-AA07

3124. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None.

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/87	
End Review	12/00/87	

Small Entity: Not Applicable

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095-AA15

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3125. PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR 1280

Legal Deadline: None.

Abstract: Existing regulations on public use of the National Archives Building do not cover all areas of the building to which the public has access. This rule will revise procedures under which outside organizations may request the use of National Archives Building public areas for lectures, meetings and other activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	06/00/87	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AA83.

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA06

3126. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None.

Abstract: As a result of FPM Letter 293-20 which established an Employee Medical Folder (EMF) for all civilian employees, this regulation will be expanded to include the EMF. In addition, a separate request form will be developed similar to the SF 127, Request for Official Personnel Folder.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	
Final Action	07/00/87	

Small Entity: Not Applicable

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095-AA16

3127. MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

Legal Authority: 44 USC 2505

CFR Citation: 36 CFR 1206

Legal Deadline: None.

Abstract: This regulation will restructure the State Historical Records Advisory Boards and redefine their functions in the grant review process.

NARA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	
NPRM Comment Period End	04/00/88	
Final Action	05/00/88	

Small Entity: Not Applicable

Agency Contact: Nancy Sahli, Acting Dir., Records Program (NP), National Archives and Records Administration, Washington, DC 20408, **202 523-5386**

RIN: 3095-AA20

3128. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None.

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: Not Applicable

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, **202 523-3130**

RIN: 3095-AA21

3129. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None.

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA22

3130. IMPLEMENTATION OF REVISED OMB CIRCULAR A-102

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1208

Legal Deadline: None.

Abstract: NARA will join other agencies in the common rule for implementing revised OMB Circular A-102, Uniform Requirements for Grants to State and Local Governments.

Timetable:

Action	Date	FR Cite
Awaiting joint rule	00/00/00	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Eval. Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA23

3131. NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

Legal Authority: 44 USC 2206

CFR Citation: 36 CFR 1270

Legal Deadline: None.

Abstract: 44 USC 2206 requires that the Archivist promulgate regulations to carry out the Presidential Records Act. The law requires that the regulations provide for:

1. advance public notice of intention to dispose of valueless records;

2. notice to the former President of impending opening of otherwise restrictable records in response to judicial process, a request from the incumbent President, or request from Congress;

3. notice to the former President when disclosure of documents may adversely affect any rights or privileges he may have; and

4. establishment of procedures for consultation between the Archivist and appropriate Federal agencies regarding Presidential records which may be restricted as investigatory records compiled for law enforcement purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	10/00/87	
Final Action	03/00/88	

Small Entity: No

Agency Contact: Gary Brooks, Act. Dir., Legal Services Staff (NSL), National Archives and Records Administration, Washington, DC 20408, **202 523-3618**

RIN: 3095-AA24

3132. NARA STANDARDS OF CONDUCT

Legal Authority: 5 CFR 735; 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None.

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	
Final Action	07/00/87	

Small Entity: Not Applicable

Agency Contact: Gary Brooks, Act. Designated Agency Ethics Official, National Archives and Records Administration, Washington, DC 20408, **202 523-3618**

RIN: 3095-AA25

3133. STATISTICAL RESEARCH IN RECORDS CONTAINING PERSONAL INFORMATION

Legal Authority: 44 USC 2104

CFR Citation: 36 CFR 1256

Legal Deadline: None.

Abstract: The National Archives of the United States includes certain records containing information of a highly personal nature about living individuals. Use of these records by researchers is limited by 36 CFR 1256.16 to researchers conducting statistical or quantitative research. This rule will

provide procedures for granting access to these records for statistical or quantitative purposes and for ensuring the protection of the privacy of the individual whose record is disclosed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Div., (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA26

3134. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None.

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	07/00/87	
Final Action	09/00/87	

Small Entity: Not Applicable

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095-AA29

3135. DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 2901 to 2909; 44 USC 3101 to 3106; 44 USC 3301 to 3314

CFR Citation: 36 CFR 1228

Legal Deadline: None.

Abstract: Provisions for the disposition of Federal records will be reviewed and updated or revised as necessary to conform with current NARA procedures and records administration policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	
Final Action	08/00/87	

Small Entity: Not Applicable

Agency Contact: Kenneth F. Rossman, Director, Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408, 202 724-1457

RIN: 3095-AA30

3136. NARA FEE SCHEDULE

Legal Authority: 44 USC 2116 (c)

CFR Citation: 36 CFR 1258

Legal Deadline: None.

Abstract: This rule will update NARA fees for reproductions of administrative records requested under the Freedom of Information Act and of archival records, to reflect the current costs of providing the reproductions.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	09/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Division (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA33

3137. ● ENFORCEMENT NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY-CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 36 CFR 1208

Legal Deadline: None.

Abstract: The National Archives and Records Administration will join with the Department of Justice and other agencies in the third joint publication of regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Adrienne C. Thomas, Dir., Program Policy and Evaluation Div., (NAA), National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095-AA35

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Final Rule Stage

3138. USE OF PRIVATELY OWNED MICROFILM EQUIPMENT TO COPY RECORDS IN THE NATIONAL ARCHIVES AND PRESIDENTIAL LIBRARIES

Legal Authority: 44 USC 2101 to 2118

CFR Citation: 36 CFR 1254

Legal Deadline: None.

Abstract: This rule provides procedures for allowing the use of personal microfilm cameras and related equipment to be used to film archival records for microfilm publications. The rule is intended to minimize the potential for damage to records during filming.

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39547
NPRM Comment Period End	12/29/86	51 FR 39547
Final Action	04/00/87	
Final Action Effective	04/00/87	

Small Entity: Yes

NARA — **Final Rule Stage**

Agency Contact: Adrienne C. Thomas, Director, Program Policy and Evaluation Division (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA28

3139. ● FOIA AMENDMENTS

Legal Authority: 44 USC 2104; PL 99-570

CFR Citation: 36 CFR 1250; 36 CFR 1258

Legal Deadline: Statutory, April 25, 1987.

Abstract: This regulation will revise NARA's Freedom of Information Act procedures for NARA administrative records to implement the provisions of the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/87	
Final Action	06/00/87	

Small Entity: Undetermined

Agency Contact: Adrienne C. Thomas, Dir., Program Policy & Evaluation Div. (NAA), National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095-AA34

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Completed Actions

3140. AUDIOVISUAL RECORDS MANAGEMENT

CFR Citation: 36 CFR 1232

Completed:

Reason	Date	FR Cite
Final Action	01/09/87	52 FR 948
Final Action Effective	01/09/87	52 FR 948

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA18

3141. USE OF ARCHIVAL RESEARCH ROOMS IN NARA FIELD FACILITIES

CFR Citation: 36 CFR 1254.27, (new)

Completed:

Reason	Date	FR Cite
Final Action	09/04/86	51 FR 31617
Final Action Effective	10/01/86	51 FR 31617

Small Entity: Not Applicable

Agency Contact: Trudy H. Peterson 202 523-3130

RIN: 3095-AA32

[FR Doc. 87-6624 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXVIII

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 or call (202) 682-5418.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Prerule Stage

3142. ● NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None.

Abstract: This final rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are issued pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	44 FR 56725

Next Action Undetermined

Small Entity: No

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA03

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3143. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEA

Significance: Agency Priority

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1110

Legal Deadline: None.

Abstract: This regulation will be applicable only to the National Endowment for the Arts grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	
NPRM Comment Period End	04/10/81	
NPRM	05/00/87	

Small Entity: Not Applicable

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA00

3144. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None.

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
NPRM Comment Period End	08/00/87	

Small Entity: Not Applicable

Agency Contact: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania

NEA Proposed Rule Stage

Avenue, NW, Washington, DC 20506,
202 682-5418

RIN: 3135-AA01

NATIONAL ENDOWMENT FOR THE ARTS (NEA) Completed Actions

3145. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Significance: Agency Priority

CFR Citation: 45 CFR 1153

Completed:

Reason	Date	FR Cite
Final Action	06/23/86	51 FR 22880
Final Action Effective	08/22/86	

Small Entity: No

Agency Contact: Mr. Frederic R. Kellogg 202 682-5418

RIN: 3135-AA02

[FR Doc. 87-6625 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXIX

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981, the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/786-0322.

Lynne Cheney,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3146. STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Legal Deadline: None.

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Freedom of Information Reform Act of 1986
Being revised to implement the 04/25/87

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Deputy General Counsel, Office of the General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA03

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Completed Actions

3147. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEH

CFR Citation: 45 CFR 1172

Completed:

Reason	Date	FR Cite
Withdrawn Pending Receipt of Model Reg. from the Department of Justice	02/27/87	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon 202 786-0410

RIN: 3136-AA00

3148. NONDISCRIMINATION ON THE BASIS OF SEX

CFR Citation: 45 CFR 1171

Completed:

Reason	Date	FR Cite
Withdrawn Pending Receipt of Model Reg. from the Department of Justice	02/27/87	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon 202 786-0410

RIN: 3136-AA01

3149. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN WITHIN NEH FUNDED PROGRAMS

CFR Citation: 45 CFR 1175; 45 CFR 1110

Completed:

Reason	Date	FR Cite
Withdrawn Pending Receipt of Model Reg. from the Department of Justice	02/27/87	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon 202 786-0410

RIN: 3136-AA02

[FR Doc. 87-6626 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXX

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 87-6, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

DATED: February 24, 1987.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Prerule Stage

3150. CIVIL RIGHTS - TITLE VI REGULATIONS

Legal Authority: Section 11 of the NSF Act; Title VI of the Civil Rights Act of 1964

CFR Citation: 45 CFR 611

Legal Deadline: None.

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, Washington, DC 20550, 202 357-9819

RIN: 3145-AA01

3151. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Legal Deadline: None.

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/87	
ANPRM Comment Period End	06/01/87	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA05

3152. EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

Legal Authority: 20 USC 1681; PL 93-568, Sec 901 to 902; PL 93-380, Sec 844

CFR Citation: 45 CFR 620, (New)

Legal Deadline: None.

Abstract: This regulation is to effectuate Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in connection with education programs and activities receiving Federal financial assistance from the National Science Foundation. Costs, if any, should be nominal since most NSF recipients are also covered by HHS regulations. Potential benefits are to ensure that any educational program or activity receiving financial assistance from NSF does not, on the basis of sex (1) exclude any person from participation in, (2) deny any person the benefits of, or subject any such person to discrimination under that program or activity.

Timetable:

Action	Date	FR Cite
Clearance with EEOC and Justice under Executive Order 12250	05/01/87	
ANPRM	07/01/87	
ANPRM Comment Period End	09/01/87	

Small Entity: No

Agency Contact: Brenda Brush, Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, 202 357-9819

RIN: 3145-AA06

NATIONAL SCIENCE FOUNDATION (NSF)

Proposed Rule Stage

3153. ● MISCONDUCT IN SCIENCE AND ENGINEERING RESEARCH

Legal Authority: 42 USC 1870(a) The Nat'l. Sci. Found. Act of 1950, as amended

CFR Citation: 45 CFR 689

Legal Deadline: None.

Abstract: The National Science Foundation proposes to issue regulations setting out the policies and procedures its employees shall follow if an allegation is made that fraud or other misconduct has occurred under an NSF-supported grant, cooperative agreement, or fellowship. The alternative considered was to issue no formal regulations and to proceed informally, case-by-case, as in the past. While allegations of this nature are relatively few, the seriousness of such allegations are felt to require formal regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/10/87	52 FR 4158
NPRM Comment Period End	04/13/87	
Final Action	05/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Arthur J. Kusinski, Assistant General Counsel, National Science Foundation, Office of General Counsel, Room 501, 1800 G Street, N.W., Washington, DC 20550, 202 357-9435

RIN: 3145-AA08

NATIONAL SCIENCE FOUNDATION (NSF)

Final Rule Stage

3154. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None.

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce is preparing a Government-wide implementing regulation. When that regulation is completed, the Foundation's Patents regulation (45 CFR 650) will be conformed to it. Because the revision to the NSF Patents regulation will merely echo a Government-wide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Additional Information: The notable changes to be made in the revision of the NSF Patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the Government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9447

RIN: 3145-AA07

[FR Doc. 87-6627 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXXI

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, "United States Code," Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson at the above address.

Darrell A. Johnson,

Assistant Director for Administration.

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Prerule Stage

3155. POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued; and updating and revision may be appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/88	
End Review	06/01/88	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-7207

RIN: 0348-AA08

3156. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Budget and Accounting Act of 1921; PL 93-344; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. This Circular is under review. It is expected that modifications will be considered reflecting current policies, enacted legislation, and court decisions.

Timetable:

Action	Date	FR Cite
Preliminary Review	07/01/87	

Small Entity: Yes

Agency Contact: Ellen Balis, Financial Economist, Office of Management and Budget, Fiscal Analysis Branch, Budget Review Division, Washington, D.C. 20503, 202 395-4574

RIN: 0348-AA41

3157. ● POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND RELATED FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911(F); EO 11609 (Section 9)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This policy document was revised and updated in 1984. The purpose of this review is to assure that it continues to be current.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/87	
End Review	12/31/87	
Final Action	01/31/88	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Mgmt. Controls, Office of Management and Budget, OFPP, 726 Jackson Place, Washington, D.C. 20352, 202 395-7207

RIN: 0348-AA70

3158. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

OMB **Prerule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Robert Cooper, Procurement Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348-AA12

3159. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The requirements of the Circular will be reviewed.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/87	

Small Entity: No

Agency Contact: Palmer A. Marcantonio, Acting Deputy Associate Director for Financial Management, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-6823

RIN: 0348-AA69

3160. BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter appears necessary, due to update of workload studies.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/87	
Draft Policy Letter for comment	10/01/87	
End Review	10/01/87	

Small Entity: No

Agency Contact: William S. Coleman, Jr., Acting Associate Administrator for Procurement Law and Legislation, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3501

RIN: 0348-AA16

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Proposed Rule Stage

3161. ● CONTROLLING PAPERWORK BURDEN ON THE PUBLIC: REGULATORY CHANGES REFLECTING AMENDMENTS TO THE PAPERWORK REDUCTION ACT

Legal Authority: 44 USC 3502(11); 44 USC 3507; 44 USC Chapter 35

CFR Citation: 5 CFR 1320

Legal Deadline: None.

Abstract: The recently enacted Paperwork Reduction Reauthorization Act of 1986 amended the Paperwork Reduction Act of 1980. The Office of Management and Budget will amend its existing paperwork clearance rules to reflect this legislative change and otherwise to improve the management of Federal paperwork.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: James B. MacRae, Jr., Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 202 395-5897

RIN: 0348-AA71

3162. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for public comment	07/00/87	
Final Action	11/00/87	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Adm. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348-AA34

3163. PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes to provide more management flexibility to directly contract certain

OMB **Proposed Rule Stage**

functions and to emphasize productivity enhancement as a major theme.

Timetable:

Action	Date	FR Cite
Begin Review	09/15/84	
Draft for public comment	07/00/87	
Final Action	11/00/87	
Final Action Effective	01/00/88	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348-AA45

3164. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. The Directives are currently under review and may be replaced by an OMB circular. Affected agencies will be consulted on proposed changes as provided in E.O. 10253.

Timetable:

Action	Date	FR Cite
Proposed Revisions for public comment	05/30/87	

Small Entity: No

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3093**

RIN: 0348-AA43

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

3165. INDIRECT COST RATES, AUDIT, AND AUDIT FOLLOWUP AT EDUCATIONAL INSTITUTIONS (CIRCULAR A-88)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for public comment	11/06/85	50 FR 46244
Circular to be issued	08/00/87	

Small Entity: No

Additional Information: Current policy for independent audits of universities is contained in Circular A-110 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." The proposed revision will be merged with current policy for Federal audits of universities contained in Circular A-88.

Agency Contact: Palmer A. Marcantonio, Acting Deputy Associate Director for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-6823**

RIN: 0348-AA68

3166. UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on state and local governments.

Timetable:

Action	Date	FR Cite
Advance Notice of Policy Review	06/18/84	49 FR 24958
Notice of Proposed Policy	12/30/86	
Final Action	03/11/88	

Small Entity: No

Additional Information: On March 12, 1987, the President signed a memorandum directing the 23 grant-making agencies to simultaneously propose common grants management regulations that adopt Governmentwide terms and conditions for grants to State and local governments. Within one year the departments and agencies must issue final common rules.

Agency Contact: Barbara Kahlow, Grants Management Projects Director, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, **202 395-3050**

RIN: 0348-AA11

3167. PROMPT PAYMENT (CIRCULAR A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble; 31 USC 3901 et seq

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The review will develop proposed changes that (1) provide better reporting of their activities by Federal agencies; (2) clarify the application of the Circular to construction contracts; (3) revise the definition of "receipt of invoice" and making other minor clarifications.

Timetable:

Action	Date	FR Cite
Review by Federal agencies	07/08/86	
Issuance of revised Circular	05/00/87	

OMB — Final Rule Stage

Small Entity: No

Agency Contact: Palmer A. Marcantonio, Acting Deputy Associate Director for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348-AA67

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3168. OFFICE OF MANAGEMENT AND BUDGET'S DIRECTIVES SYSTEM TO EXECUTIVE DEPARTMENTS AND AGENCIES (CIRCULAR NO. A-1)

Legal Authority: See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: OMB Circular A-1 describes the OMB directives system used to convey policy, provide guidance, and communicate instruction to executive departments and agencies.

Timetable:

Action	Date	FR Cite
End Review	02/27/87	

Small Entity: No

Agency Contact: Darrell A. Johnson, Assistant Director for Administration, Office of Management and Budget, Washington, D.C. 20503, 202 395-7250

RIN: 0348-AA33

3169. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The review developed changes to the circular requiring recipients of Federal funds to deposit such funds in interest bearing accounts and remit interest earned to the Government.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for public comment	10/30/85	50 FR 45183
Change to Circular	02/10/87	52 FR 4240

Small Entity: No

Agency Contact: Palmer A. Marcantonio, Acting Deputy Associate Director for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348-AA69

[FR Doc. 87-7884 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXXII

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from April 1, 1987, through March 31, 1988. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 653-7252.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3170	Executive Assignment System	3206-AC03
3171	Executive and Management Development	3206-AC12
3172	Suitability -- Suitability Disqualifications/Rating Actions	3206-AC19
3173	Personnel Security and Related Programs	3206-AC21
3174	Employee Conduct and Responsibilities	3206-AC22
3175	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3176	Availability of Official Information	3206-AD05
3177	Protection of Privacy and Personnel Records	3206-AA70
3178	Employment (General); Employment Practices	3206-AB41
3179	Employment (General); Time-in-Grade Restrictions	3206-AC01
3180	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service	3206-AA09
3181	Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement)	3206-AA11
3182	Employment in the Senior Executive Service	3206-AC81
3183	General Recruitment/Placement Principles	3206-AC07
3184	Qualifications Requirements (Medical)	3206-AA91
3185	Restoration to Duty from Military Service and Injury Compensation	3206-AC34
3186	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA21
3187	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA23
3188	Training	3206-AD06
3189	Performance Management System for Prevailing Rate Employees	3206-AD01
3190	Productivity Gainsharing	3206-AC71
3191	Pay Under the General Schedule; Determining Rate of Basic Pay	3206-AA32
3192	Pay Under the General Schedule; Prevailing Rate Systems; Grade and Pay Retention	3206-AC36
3193	Prevailing Rate Systems	3206-AC82
3194	Pay Under Other Systems (Pay Under the Senior Executive Service)	3206-AB29
3195	Pay Administration (General); Severance Pay	3206-AC41
3196	Pay Administration (General); Overtime Pay Computation	3206-AC98
3197	Pay Administration under the FLSA: Compliance	3206-AA40
3198	Payment of Travel and Transportation Expenses to First Post of Duty for New Appointees, GS-15 and Below	3206-AD02
3199	Absence and Leave; Annual and Sick Leave	3206-AA44
3200	Political Activity of Federal Employees	3206-AA47
3201	Executive Personnel Financial Disclosure Requirements	3206-AA93
3202	Employee Responsibilities and Conduct	3206-AB66
3203	Post Employment Conflict of Interest	3206-AB12
3204	Adverse Actions	3206-AC23
3205	Retirement; Underdeductions of Retirement Contributions	3206-AC96
3206	Retirement; Credit and Deposits for Military Service	3206-AB73
3207	Retirement; Disability Retirement	3206-AB77
3208	Retirement; Recovery of Annuity Overpayments	3206-AB78

OPM

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3209	Civil Service Retirement, FEGLI, and FEHBP Coverage for D.C. Government Employees Hired After September 30, 1987	3206-AD09
3210	Continuation of Federal Employees' Group Life Insurance Coverage During Military Service	3206-AD10
3211	Federal Employees Group Life Insurance	3206-AB80
3212	Federal Employees Health Benefits Program; Technical Corrections	3206-AB83
3213	Continuation of Federal Employees' Health Benefits Coverage under the Federal Employees Retirement System (FERS)	3206-AD11
3214	An Additional Opportunity for Annuitants to Enroll for Federal Employees' Health Benefits Coverage	3206-AD12
3215	Federal Employees Health Benefits Program; Termination of Enrollment	3206-AB84
3216	Federal Employees Health Benefits Program: Impaired Doctor/Patient Relationship	3206-AC90
3217	Federal Employees Health Benefits Program; Registration and Enrollment	3206-AB87
3218	Federal Employees Health Benefits Program; Continuation of Enrollment	3206-AB88
3219	Programs for Specific Positions and Examinations (Miscellaneous) Administrative Law Judges	3206-AB91
3220	OPM Procurement Regulations	3206-AB28

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3221	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3222	Performance Management System; Performance Awards; Recordkeeping	3206-AB27
3223	Overseas Employment	3206-AA71
3224	Promotion and Internal Placement	3206-AA90
3225	Reduction in Force, Identification of Employees for Transfer of Function	3206-AC33
3226	Reduction in Grade and Removal Based on Unacceptable Performance	3206-AB21
3227	Prevailing Rate Systems	3206-AC59
3228	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3229	Allowances and Differentials; Cost of Living Allowance and Post Differential--Nonforeign Areas	3206-AB34
3230	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3231	Post Employment Conflict of Interest; 1986 Designation of Certain Positions and Agencies	3206-AD00
3232	Post Employment Conflict of Interest; 1987 Designation of Certain Positions and Agencies	3206-AD04
3233	Adverse Actions (Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service)	3206-AA50
3234	Retirement; Order of Precedence for Application of Service Credit Deposits	3206-AB79
3235	Retirement; Order of Precedence for Statutory Withholdings from Annuity	3206-AB70
3236	Retirement; Part-time Employees	3206-AC95
3237	Retirement; Processing Court Orders for Apportionment of Civil Service Retirement System Annuity and Competing Claims for Survivor Benefits	3206-AC93
3238	Retirement; Credit for Service under CSRS for Certain Service as National Guard Technicians, Cadet Nurse, and Nonappropriated Fund Employees	3206-AD13
3239	Retirement; Credit for Service; Food Service Employees of the House of Representatives May Retain CSRS or FERS	3206-AD14
3240	Retirement; Credit for Service; Employees Who Transfer to Airports Authority	3206-AD15
3241	Retirement; Survivor Benefits	3206-AB74
3242	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3243	Retirement; Law Enforcement Officers and Firefighters	3206-AB09
3244	Retirement; Deposits for Military Service	3206-AB35
3245	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3246	Reconsideration Procedures Under Either FEGLI or FEHBP Following Denial of the Opportunity to Enroll or Change Enrollment	3206-AD08
3247	Federal Employees Health Benefits Program; Health Benefits Plans	3206-AB86
3248	Federal Employees Health Benefits Acquisition Regulations	3206-AB07

OPM

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3249	Availability of Official Information	3206-AA05
3250	Training	3206-AB23
3251	Executive and Management Development	3206-AC73
3252	Personnel Management Research Programs and Demonstration Projects	3206-AC13
3253	Prevailing Rate Systems	3206-AC38
3254	Prevailing Rate Systems	3206-AC77
3255	Pay Under Other Systems (Pay Under the SES)	3206-AB20
3256	Grade and Pay Retention; Exclusions	3206-AC99
3257	Pay Administration (General); Annual Premium Pay	3206-AC97
3258	Pay Administration (General); Back Pay	3206-AC44
3259	Absence and Leave; Home Leave	3206-AB64
3260	Absence and Leave; Shore Leave	3206-AB65
3261	Affirmative Employment Programs	3206-AB06
3262	Suitability Disqualification Actions	3206-AC75
3263	Retirement; Credit for Service	3206-AB71
3264	Retirement; Credit for Unused Sick Leave	3206-AB72
3265	Retirement; Agency Requests to OPM for Recovery of a Debt from the Civil Service Retirement and Disability Fund	3206-AA52
3266	Federal Employees Group Life Insurance	3206-AC65
3267	Premium Rates for Life Insurance	3206-AC86
3268	Federal Employees Group Life Insurance Program; Assignment of Life Insurance by Federal Judges	3206-AB82
3269	Federal Life Insurance and Health Benefits; Reimbursement for Underdeductions	3206-AC67
3270	Waiver of Requirements for Continuing Health Insurance into Retirement	3206-AC91
3271	Federal Employees Health Benefits Program: Change of Enrollment for Medicare Eligibles	3206-AC85
3272	Re-enrollment of Annuitants in the Federal Employees Health Benefits Program	3206-AC87
3273	Federal Employees Health Benefits Program; Open Season	3206-AC92
3274	Federal Employees Health Benefits Program; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB89
3275	Federal Employees Health Benefits Program; Reserve Management	3206-AC79
3276	Federal Employees Health Benefits Program; Benefits in Medically Underserved Areas	3206-AC88

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Prerule Stage

3170. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None.

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/87	
End Review	09/00/87	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AC03

3171. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Legal Deadline: None.

Abstract: Review of executive and management development program authority for possible reconstructing.

Timetable:

Action	Date	FR Cite
Begin Review	01/15/87	
End Review	05/15/87	

Small Entity: No

Agency Contact: Frank Masterson, Program Manager, Training and Development Policy, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, D.C. 20044, 202 632-6171

RIN: 3206-AC12

3172. SUITABILITY -- SUITABILITY DISQUALIFICATIONS/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None.

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidentially-directed task force will likely result in the need for conforming

OPM **Prerule Stage**

changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/88	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC19

3173. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None.

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidentially-directed task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/88	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206-AC21

3174. EMPLOYEE CONDUCT AND RESPONSIBILITIES

Legal Authority: EO 11222

CFR Citation: 5 CFR 735

Legal Deadline: None.

Abstract: Review of Part 735 for the purpose of removing sections that are not part of the authorized functions of the Office of Government Ethics, but are the responsibilities of other offices in the Office of Personnel Management or individual agencies.

Timetable:

Action	Date	FR Cite
Begin Review	09/30/85	
End Review	04/00/87	

Small Entity: No

Agency Contact: Stuart D. Rick, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5030

RIN: 3206-AC22

3175. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 522a

CFR Citation: 5 CFR 736

Legal Deadline: None.

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidentially directed task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/88	

Small Entity: No

Agency Contact: Frances Sclafani, Associate Director, Training and Investigations Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Proposed Rule Stage

3176. ● AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: Statutory, April 25, 1987.

Abstract: Pursuant to the promulgation of new guidelines by the Director of the Office of Management and Budget, the Freedom of Information Reform Act of 1986 requires each agency to specify (a) the schedule of fees applicable to the processing of FOIA requests and (b) procedures and guidelines for determining when fees should be waived or reduced.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
Final Action	04/25/87	

Small Entity: No

Agency Contact: William C. Duffy, Chief, Information Plans and Policies Division, Office of Personnel Management, Administration Group, 1900 E Street, NW; Room 6410, Washington, DC 20415, 202 632-7714

RIN: 3206-AD05

3177. PROTECTION OF PRIVACY AND PERSONNEL RECORDS

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 297

Legal Deadline: None.

Abstract: The proposed regulations would revise regulations implementing the Privacy Act (5 U.S.C. 552a) to reflect any changes resulting from case law or OPM policy and remove unnecessary material.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: No

Agency Contact: John Sanet, Information Specialist, Office of Personnel Management, Office of Workforce Information, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, 202 632-4455

RIN: 3206-AA70

3178. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None.

OPM **Proposed Rule Stage**

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	07/01/86	
NPRM	04/00/87	

Small Entity: No

Agency Contact: James S. Green, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5087

RIN: 3206-AB41

3179. EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 300, Subpart F

Legal Deadline: None.

Abstract: Regulations based on review of time-in-grade restrictions. Regulations will address inconsistencies and clarify certain provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Division, Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC01

3180. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Legal Deadline: None.

Abstract: Proposed regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AA09

3181. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Legal Authority: 5 USC 3593

CFR Citation: 5 CFR 317, Subpart G

Legal Deadline: None.

Abstract: Proposed regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
NPRM	05/00/87	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AA11

3182. EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397; 5 USC 1302; 5 USC 3595; 5 USC 3596; 5 USC 5383; 5 USC 5385; 5 USC 7543

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 534; 5 CFR 752

Legal Deadline: None.

Abstract: This is a Regulatory Program entry that combines RINs 3206-AA09, 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Analyze comments	07/00/87	

Small Entity: No

Agency Contact: Kirke Harper, Director, Office of Executive Personnel, Office of Personnel Management, 1900 E St., N.W., Washington, DC 20415, 202 632-4486

RIN: 3206-AC81

3183. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Legal Authority: 5 USC 1302; 5 USC 3302; 5 USC 3315; 5 USC 3502

CFR Citation: 5 CFR 330; 5 CFR 351

Legal Deadline: None.

Abstract: Proposed regulations based on review of Reemployment Priority List and Displaced Employee Program authorities. Regulations would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Donald L. Holum, Chief, Staffing Policy Analysis Div., Office of Personnel Management, Career Entry Group, 1900 E Street, NW, Washington, D.C. 20415, 202 632-6817

RIN: 3206-AC07

3184. QUALIFICATIONS REQUIREMENTS (MEDICAL)

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Legal Deadline: None.

Abstract: Proposed regulations to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Management Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA91

3185. RESTORATION TO DUTY FROM MILITARY SERVICE AND INJURY COMPENSATION

Legal Authority: 38 USC 2021 et seq; 5 USC 8151

CFR Citation: 5 CFR 353

Legal Deadline: None.

Abstract: Complete revision of Part 353 to update, simplify, and clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AC34

3186. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3594; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None.

Abstract: Proposed regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
NPRM	05/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4625

RIN: 3206-AA21

3187. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None.

Abstract: Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., NW, Washington, DC 20415, 202 632-4625

RIN: 3206-AA23

3188. ● TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None.

Abstract: Revision of training regulations to remove obsolete or unessential reporting requirements and remove or modify any other outmoded regulation (e.g., outmoded references to training forms and provisions in Office of Management and Budget Circular A-76 which have undergone modification).

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Frank Masterson, Program Manager, Training and Development Policy, Office of Personnel Management, Training and Investigations Group, 1121 Vermont Avenue, NW; P.O. Box 7230, Washington, DC 20044, 202 632-6171

RIN: 3206-AD06

3189. PERFORMANCE MANAGEMENT SYSTEM FOR PREVAILING RATE EMPLOYEES

Significance: Regulatory Program

Legal Authority: 5 USC 5343(c)

CFR Citation: 5 CFR 430

Legal Deadline: None.

Abstract: The proposed regulations apply to within-grade increases under the Prevailing Rate System to make requirements consistent with similar provisions in the Performance Management System for general schedule employees. They would clarify that a current rating of record of level 3 (Fully Successful) or better is required to receive a within-grade increase. The proposed regulations also would provide for delay of a within-grade increase when an employee cannot be rated, and a waiver of the requirement for a current rating when the employee cannot be rated due to absences that would be creditable service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Claudia Cooley, Associate Director, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-5796

RIN: 3206-AD01

3190. PRODUCTIVITY GAINSHARING

Significance: Regulatory Program

Legal Authority: 5 USC Ch 45; 5 USC Ch 54

CFR Citation: 5 CFR 451

Legal Deadline: None.

Abstract: The proposed regulation would provide a framework for encouraging agency efforts to establish productivity gainsharing programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: James P. Hellings, Chief, Workforce Management Division, Office of Performance Management, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, 202 632-8644

RIN: 3206-AC71

3191. PAY UNDER THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Legal Authority: 5 USC 5305(a); 5 USC 5334(a); 5 USC 5338; EO 11721

CFR Citation: 5 CFR 531, Subpart B

Legal Deadline: None.

Abstract: Proposed regulations would restructure the General Schedule pay administration rules to clarify the flexibility agencies would have in establishing pay rates for employees upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment. In addition, proposed regulations would revise the current regulations to conform to the principles of the Performance Management System and correct certain longstanding basic pay administration problems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, 202 632-5056

RIN: 3206-AA32

3192. PAY UNDER THE GENERAL SCHEDULE; PREVAILING RATE SYSTEMS; GRADE AND PAY RETENTION

Legal Authority: 5 USC 5334(a); 5 USC 5338; 5 USC 5365

CFR Citation: 5 CFR 531; 5 CFR 532; 5 CFR 536

Legal Deadline: None.

Abstract: Under current regulations, numerous pay administration problems exist in movements between Federal pay systems. For example, the method of determining entitlement to grade retention in movements between pay systems results in unnecessary expenditures of Federal funds and false expectations for affected employees. Proposed regulations would revise definitions of "promotion" and "demotion" to improve pay administration and minimize the number of employees entitled to grade retention in movements between pay systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E Street, NW; Washington, DC 20415, 202 632-5056

RIN: 3206-AC36

3193. PREVAILING RATE SYSTEMS

Significance: Regulatory Program

Legal Authority: 5 USC 5342; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None.

Abstract: Proposed rule changes would revise Monroney regulations so that only non-Department of Defense Federal Wage System positions would be covered. Legislation has removed DOD employees from Monroney.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Claudia Cooley, Associate Director, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E St., NW; Washington, DC 20415, 202 632-5796

RIN: 3206-AC82

3194. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 534, Subpart D

Legal Deadline: None.

Abstract: Proposed regulations on setting individual basic pay under the SES. Regulations are needed to clarify the intent and application of 5 USC 5383(a) on changes in SES pay rates and to implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AB29

3195. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None.

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations also would clarify severance pay coverage for certain employees serving under time-limited appointments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206-AC41

3196. PAY ADMINISTRATION (GENERAL); OVERTIME PAY COMPUTATION

Legal Authority: 5 USC 5548

CFR Citation: 5 CFR 550, Subpart A

Legal Deadline: None.

Abstract: Proposed regulations would clearly distinguish between overtime work in excess of 8 hours in a day outside the basic 40-hour workweek and overtime work in excess of 8 hours in a day within the basic 40-hour workweek. This change would correct a recent Comptroller General decision that results in an improper payment for overtime work for employees on unusual work schedules.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206-AC98

3197. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None.

Abstract: Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Jack Tapping, Personnel Management Specialist, Office of Personnel Management, Personnel and Systems and Oversight Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-4530

RIN: 3206-AA40

3198. PAYMENT OF TRAVEL AND TRANSPORTATION EXPENSES TO FIRST POST OF DUTY FOR NEW APPOINTEES, GS-15 AND BELOW

Legal Authority: 5 USC 5723

CFR Citation: 5 CFR 572

Legal Deadline: None.

Abstract: Rule would: (1) set out criteria to be used in determining that a shortage of eligibles exists for the purpose of authorizing payment of travel and transportation expenses; (2) authorize payment of travel and transportation for appointees to positions covered by special pay rates or direct-hire authority and to positions filled under the National Defense Executive Reserve Program in a national emergency; (3) terminate all other existing shortage determinations; and (4) provide that future determinations will be made for specific periods not exceeding two years.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Tracy Spencer, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, 202 632-6000

RIN: 3206-AD02

3199. ABSENCE AND LEAVE; ANNUAL AND SICK LEAVE

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subparts A to E

Legal Deadline: None.

Abstract: Proposed regulations would revise annual and sick leave regulations to update, improve, and refine the current regulations to ensure appropriate and consistent application of leave administration policies within all Federal agencies. They would resolve some troublesome leave issues, improve leave administration, and result in cost savings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/87	

Small Entity: No

Agency Contact: James Matteson, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, 202 632-5056

RIN: 3206-AA44

3200. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None.

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the

political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 7538, Washington, DC 20415, 202 632-5030

RIN: 3206-AA47

3201. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None.

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Analyze comments	05/00/87	
Final Action	07/01/87	

Small Entity: No

Agency Contact: David H. Martin, Director, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, 202 632-2792

RIN: 3206-AA93

3202. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: EO 11222; PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None.

Abstract: Amends portions of final regulation, 5 CFR Part 735, to clarify and update general provisions dealing with employee conduct.

Timetable:

Action	Date	FR Cite
NPRM	01/02/88	
Final Action	04/30/88	

Small Entity: No

Agency Contact: Jane Ley, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-0569

RIN: 3206-AB66

3203. POST EMPLOYMENT CONFLICT OF INTEREST

Legal Authority: 18 USC 207; PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Proposed technical and conforming regulations to clarify the post employment rules.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	

Small Entity: No

Agency Contact: Gary Davis/Jane Ley, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206-AB12

3204. ADVERSE ACTIONS

Legal Authority: 5 USC 7504; 5 USC 7514

CFR Citation: 5 CFR 752

Legal Deadline: None.

Abstract: Revisions to current regulations would clarify agency authorities and obligations in taking adverse actions by incorporating recent decisions of the courts and further explaining existing policy in regard to agencies and employees' responsibilities and rights in situations involving adverse actions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Appellate Policies Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 653-8551

RIN: 3206-AC23

3205. RETIREMENT; UNDERDEDUCTIONS OF RETIREMENT CONTRIBUTIONS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Proposed regulations to establish procedures for correcting errors resulting in underdeductions of civil service retirement contributions. Agencies would be required to submit the agency's contribution and employees would have the option to make a deposit at any time prior to retirement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AC96

3206. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None.

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	01/00/88	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and

Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB73

3207. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None.

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
Final Action	02/00/88	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AB77

3208. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Legal Deadline: None.

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB78

3209. ● CIVIL SERVICE RETIREMENT, FEGLI, AND FEHBP COVERAGE FOR D.C. GOVERNMENT EMPLOYEES HIRED AFTER SEPTEMBER 30, 1987

Legal Authority: 5 USC 8347; 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 831; 5 CFR 870; 5 CFR 890

Legal Deadline: None.

Abstract: Interim regulations, with a period of time provided for comments, to specify that D.C. Government employees first hired after September 30, 1987, are excluded from Civil Service Retirement coverage and participation under the Federal Employees' Group Life Insurance and the Federal Employees' Health Benefits Programs by virtue of Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD09

3210. ● CONTINUATION OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE COVERAGE DURING MILITARY SERVICE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870

Legal Deadline: None.

Abstract: Interim regulations, with a period of time provided for comments, to specify that coverage under the Federal Employees' Group Life Insurance Program may now be continued for up to 12 months for an employee who enters the military on active duty or active duty for training in the same way coverage is continued in other types of non-pay status. This change was effected by Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD10

3211. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None.

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, D.C. 20415, 202 632-4634

RIN: 3206-AB80

3212. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TECHNICAL CORRECTIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB83

3213. ● CONTINUATION OF FEDERAL EMPLOYEES' HEALTH BENEFITS COVERAGE UNDER THE FEDERAL EMPLOYEES RETIREMENT SYSTEM (FERS)

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: Interim regulations, with a period of time provided for comments, to specify that individuals entitled to immediate or survivor annuities under the new Federal Employees Retirement System (FERS) and former spouses entitled to annuity payments under FERS may continue their coverage under the Federal Employees' Health Benefits Program under the same conditions as apply to individuals under the traditional Civil Service Retirement System. This is provided under Public Law 99-335, enacted on June 6, 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD11

3214. ● AN ADDITIONAL OPPORTUNITY FOR ANNUITANTS TO ENROLL FOR FEDERAL EMPLOYEES' HEALTH BENEFITS COVERAGE

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None.

Abstract: These regulations would permit an annuitant who is covered by the FEHB enrollment of another person to enroll for self only or self and family coverage in the same plan and option when the covering enrollment is cancelled. The existing regulations currently permit only active employees to take such actions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD12

3215. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TERMINATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Legal Deadline: None.

Abstract: Proposed regulations to extend OPM'S authority to terminate an individual's enrollment in an FEHB group practice comprehensive medical plan to include individual practice comprehensive medical plans and mixed-model medical plans.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Bonnie R. Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB84

3216. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM: IMPAIRED DOCTOR/PATIENT RELATIONSHIP

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890.103

Legal Deadline: None.

Abstract: Regulations to enable OPM to order termination of an enrollment and permit an enrollee to choose another FEHB plan when there is an impaired relationship between a doctor and patient in an individual practice comprehensive medical plan.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AC90

3217. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Proposed regulations to allow an employee or annuitant to change to self and family coverage if a non-federally employed spouse or former spouse loses non-Federal health insurance coverage under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB87

3218. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None.

Abstract: Proposed regulations to reflect established OPM practice of allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases. If multiple enrollments are not allowed, certain eligible family members might lose FEHBP coverage.

OPM — **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB88

3219. PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Legal Authority: 5 USC 553-9; 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(3)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: None.

Abstract: Update and clarification of OPM regulations governing examining and employment of Administrative Law Judges. These regulations have not been reviewed as a whole for many years and contain out-of-date terminology.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	
Final Action	09/00/87	

Small Entity: No

Agency Contact: Craig B. Pettibone, Assistant Director for, Administrative Law Judges, Office of Personnel Management, Career Entry Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-5677

RIN: 3206-AB91

3220. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None.

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Branch, Office of Personnel Management, Acquisition Branch, Room 1466, 1900 E Street, NW, Washington, DC 20415, 202 254-8492

RIN: 3206-AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Final Rule Stage

3221. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None.

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
Final Action	10/30/87	

Small Entity: No

Agency Contact: Walter Townsend, Program Analyst, Office of Personnel Management, Analysis and Evaluation Division, Administration Group, 1900 E St., NW, Washington, DC 20415, 202 653-6341

RIN: 3206-AA66

3222. PERFORMANCE MANAGEMENT SYSTEM; PERFORMANCE AWARDS; RECORDKEEPING

Legal Authority: 5 USC 552a; 5 USC 4305; 5 USC 4314; EO 12107 (December 28, 1978); 5 USC 45; 5 USC 1104; 5 USC 1302; 3 CFR 1954 to 1958 Comp; 5 CFR 7.2; EO 9830; 3 CFR 1943 to 1948 Comp

CFR Citation: 5 CFR 293; 5 CFR 430

Legal Deadline: None.

Abstract: This section establishes requirements for the Performance Management System on filing and transfer of performance records and on funding and payment of performance awards. The proposed regulations would parallel similar requirements for the Performance Management and Recognition System.

Timetable:

Action	Date	FR Cite
NPRM	03/11/86	51 FR 8422
Final Action	10/00/87	

Small Entity: No

Agency Contact: Janice B. Smith, Acting Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7630

RIN: 3206-AB27

3223. OVERSEAS EMPLOYMENT

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 301

Legal Deadline: None.

Abstract: Deletes prohibition on agency use of overseas limited appointments in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33548
Final Action	07/00/87	

Small Entity: No

Agency Contact: Ed McHugh, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group,

1900 E St., NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA71

3224. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Legal Deadline: None.

Abstract: Proposed regulations to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	11/07/86	51 FR 40436
Analyze comments	02/00/87	
Final Action	04/00/87	

Small Entity: No

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group, 1900 E Street, NW, Washington, DC 20415, **202 632-6817**

RIN: 3206-AA90

3225. REDUCTION IN FORCE, IDENTIFICATION OF EMPLOYEES FOR TRANSFER OF FUNCTION

Legal Authority: 5 USC 1302; 5 USC 3503

CFR Citation: 5 CFR 351

Legal Deadline: None.

Abstract: Changes needed to clarify OPM policy pertaining to a transfer of function and reflect pertinent MSPB decisions.

Timetable:

Action	Date	FR Cite
NPRM	06/11/86	51 FR 21177
Final Action	03/00/87	

Small Entity: No

Agency Contact: Tom Glennon, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Analysis Division, Career Entry Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206-AC33

3226. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Legal Deadline: None.

Abstract: Proposed regulations would clarify the procedures agencies must follow in removing or reducing in-grade employees whose performance is unacceptable. These changes are necessary due to changing legal requirements brought about by court decisions and OPM interpretations of 5 U.S.C. chapter 43 requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/24/87	
Final Action	10/00/87	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Appellate Policies Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 653-8551**

RIN: 3206-AB21

3227. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None.

Abstract: Proposed rule changes would revise Monroney regulations to limit the use of private sector specialized industry data obtained outside a wage area in setting pay rates for positions in that area.

Timetable:

Action	Date	FR Cite
NPRM	10/08/85	50 FR 40979
Final Action	09/00/87	

Small Entity: No

Agency Contact: Windsor Eagan, Acting Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206-AC59

3228. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None.

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	04/28/86	51 FR 15787
Final Action	04/00/87	

Small Entity: No

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Room 7544, Washington, DC 20415, **202 632-5090**

RIN: 3206-AB42

3229. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL–NONFOREIGN AREAS

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None.

Abstract: Comprehensive revision of regulations to reflect revised methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
Final Action	04/00/87	

Small Entity: No

Agency Contact: Barry E. Shapiro, Chief, Allowances and Special Rates Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 632-7858**

RIN: 3206-AB34

OPM

Final Rule Stage

3230. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None.

Abstract: Current regulations contain obsolete references to D.C. government employees, who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	09/00/87	

Small Entity: No

Agency Contact: Clarence Mathews, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay Programs, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206-AC47

3231. POST EMPLOYMENT CONFLICT OF INTEREST; 1986 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1986) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	07/00/87	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206-AD00

3232. ● POST EMPLOYMENT CONFLICT OF INTEREST; 1987 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None.

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1987) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	03/00/88	

Small Entity: No

Agency Contact: Gary Davis/Bob Flynn, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206-AD04

3233. ADVERSE ACTIONS (REGULATORY REQUIREMENTS FOR TAKING ADVERSE ACTIONS UNDER THE SENIOR EXECUTIVE SERVICE)

Legal Authority: 5 USC 7543

CFR Citation: 5 CFR 752, Subpart F

Legal Deadline: None.

Abstract: Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (October 13, 1978), which was amended by Pub. L. 97-35 (August 13, 1981) and Pub. L. 98-615 (November 8, 1984). The regulations establish procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44818
NPRM	05/30/86	51 FR 19554
Final Action	04/00/87	

Small Entity: No

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AA23, and 3206-AB29.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Personnel, Office of Personnel Management, 1900 E St., NW; Washington, DC 20415, 202 632-4625

RIN: 3206-AA50

3234. RETIREMENT; ORDER OF PRECEDENCE FOR APPLICATION OF SERVICE CREDIT DEPOSITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831

Legal Deadline: None.

Abstract: Current regulations do not state the order in which service credit deposits will be applied. Proposed regulations would specify an order of precedence for applying such deposits.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16701
Final Action	05/00/87	

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB79

3235. RETIREMENT; ORDER OF PRECEDENCE FOR STATUTORY WITHHOLDINGS FROM ANNUITY

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Regulations to improve administration of the Civil Service Retirement and Disability Fund by establishing a uniform order of precedence for purposes of offsetting civil service annuity benefits to satisfy statutory obligations, such as state income tax withholding requests and court orders directing apportionment or garnishment of such benefits. Proposed regulations would consolidate disparate rules and practices which have developed for determining the net annuity available for offset for various purposes.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16701
Final Action	04/00/87	

OPM **Final Rule Stage**

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB70

3236. RETIREMENT; PART-TIME EMPLOYEES

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Legal Deadline: None.

Abstract: Interim regulation to implement new method of computing annuities of part-time employees, as enacted by Pub. L. 99-272, to pro-rate the benefit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/15/87	52 FR 1621
Final Action	12/00/87	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AC95

3237. RETIREMENT; PROCESSING COURT ORDERS FOR APPORTIONMENT OF CIVIL SERVICE RETIREMENT SYSTEM ANNUITY AND COMPETING CLAIMS FOR SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subparts A and Q

Legal Deadline: None.

Abstract: Proposed regulation to establish streamlined procedures for handling court orders for apportionment of civil service retirement annuity and competing claims for survivor benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/30/86	51 FR 47021
Final Action	03/00/87	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AC93

3238. ● RETIREMENT; CREDIT FOR SERVICE UNDER CSRS FOR CERTAIN SERVICE AS NATIONAL GUARD TECHNICIANS, CADET NURSE, AND NONAPPROPRIATED FUND EMPLOYEES

Legal Authority: 5 USC 8347; PL 99-638; PL 99-661

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: Statutory, January 10, 1987. Deadline for PL 99-638 is January 10, 1987. Deadline for PL 99-661 is October 1, 1987.

Abstract: Public Laws 99-638 and 99-661 provide that service performed as a National Guard technician prior to 1968 or two or more years of service in the Cadet Nurse Corps during World War II may be creditable service if certain conditions are met. Public Law 99-638 also extends CSRS service credit to certain nonappropriated fund employees who were employed after June 18, 1952, and before January 1, 1966, and who were subject to CSRS on November 9, 1986. The regulations implement the new provisions of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/06/87	52 FR 3785
Final Action	10/00/87	

Small Entity: No

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AD13

3239. ● RETIREMENT; CREDIT FOR SERVICE; FOOD SERVICE EMPLOYEES OF THE HOUSE OF REPRESENTATIVES MAY RETAIN CSRS OR FERS

Legal Authority: 5 USC 8347; PL 99-500

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None.

Abstract: Food service employees of the House of Representatives who lose their Federal jobs but remain employed by the private contractor assuming the House food services operations may elect to retain retirement coverage under CSRS or FERS. OPM must, in consultation with the Architect of the Capitol, prescribe implementing regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/87	52 FR 5069
Final Action	09/00/87	

Small Entity: No

Agency Contact: John Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AD14

3240. ● RETIREMENT; CREDIT FOR SERVICE; EMPLOYEES WHO TRANSFER TO AIRPORTS AUTHORITY

Legal Authority: 5 USC 8347; PL 99-500

CFR Citation: 5 CFR 831, Subpart C

Legal Deadline: None.

Abstract: The Metropolitan Airports Transfer Act of 1986 provides that any Federal employee who transfers to the Airports Authority and who on the day before the date the lease takes effect is subject to CSRS or FERS may retain that coverage so long as continually employed by the Airports Authority. The regulations implement the new provisions of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/87	
Final Action	11/00/87	

Small Entity: No

Agency Contact: John Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AD15

OPM

Final Rule Stage

3241. RETIREMENT; SURVIVOR BENEFITS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart F

Legal Deadline: None.

Abstract: Regulations to require a retiring employee or Member, who elects a reduced annuity with survivor benefit for a person having an insurable interest, to pay the cost of providing medical evidence to show such employee or Member is in good health. Under past practice, OPM paid for these medical examinations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21560
Final Action	03/00/87	

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206-AB74

3242. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, Q, and T

Legal Deadline: None.

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Revised Interim Rule	09/08/86	51 FR 31927
Final Action	12/00/87	

Small Entity: No

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206-AB75

3243. RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Legal Authority: 5 USC 8347; 5 USC 8336(c)

CFR Citation: 5 CFR 831, Subpart I

Legal Deadline: None.

Abstract: Current regulations do not adequately articulate the criteria for determining whether an employee meets the statutory definition of "law enforcement officer" or "firefighter." Proposed regulations would clarify the criteria used by OPM to establish eligibility of employees under the special retirement provisions for law enforcement officers and firefighters.

Timetable:

Action	Date	FR Cite
NPRM	12/19/86	51 FR 45471
Final Action	06/00/87	

Small Entity: No

Agency Contact: Ray Kirk, Supervisory Paralegal Specialist, Acting Chief, Retirement Policy Division, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AB09

3244. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None.

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	11/00/87	

Small Entity: No

Agency Contact: John A. Elliott, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206-AB35

3245. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841 to 846

Legal Deadline: None. New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	03/31/88	

Small Entity: No

Agency Contact: Mary Sugar, FERS Task Force, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-5560

RIN: 3206-AC94

3246. ● RECONSIDERATION PROCEDURES UNDER EITHER FEGLI OR FEHBP FOLLOWING DENIAL OF THE OPPORTUNITY TO ENROLL OR CHANGE ENROLLMENT

Legal Authority: 5 USC 8716; 5 USC 8913

CFR Citation: 5 CFR 870; 5 CFR 890

Legal Deadline: None.

Abstract: Clarifies for individuals and agencies the reconsideration process under the Federal Employees' Group Life Insurance Program and the Federal Employees' Health Benefits Program. These regulations would distinguish between determinations made by employing offices and those made by OPM on coverage questions.

OPM — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/24/87	
Final Action	07/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AD08

3247. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; HEALTH BENEFITS PLANS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart B

Legal Deadline: None.

Abstract: Proposed regulations to clarify the criteria used by OPM in reviewing applications from comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program. Regulations would focus on the plan's compliance with state licensing and operating requirements and with Federal procurement regulations, health plan management, marketing, quality of the health care delivery system, and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	02/06/87	52 FR 3816
Final Action	05/00/87	

Small Entity: No

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB86

3248. FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS

Legal Authority: 40 USC 486(c); 5 USC 8913

CFR Citation: 48 CFR 16

Legal Deadline: None.

Abstract: Regulations to reflect contracting policy and procedures for the Federal Employees Health Benefits Program (FEHBP) that deviate from the Federal Acquisition Regulations (FAR) or that are needed to supplement the FAR to satisfy special program needs.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27384
NPRM Comment Period End	09/15/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206-AB07

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

3249. AVAILABILITY OF OFFICIAL INFORMATION

CFR Citation: 5 CFR 294

Completed:

Reason	Date	FR Cite
Final Action	10/27/86	51 FR 37889
Final Action Effective	11/26/86	

Small Entity: No

Agency Contact: William C. Duffy 202 632-7714

RIN: 3206-AA05

3250. TRAINING

CFR Citation: 5 CFR 410

Completed:

Reason	Date	FR Cite
Withdrawn	02/02/87	

Small Entity: No

Agency Contact: Frank Masterson 202 632-6171

RIN: 3206-AB23

3251. EXECUTIVE AND MANAGEMENT DEVELOPMENT

CFR Citation: 5 CFR 412

Completed:

Reason	Date	FR Cite
Withdrawn	02/02/87	

Small Entity: No

Agency Contact: Constance Guitian 202 632-6172

RIN: 3206-AC73

3252. PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

CFR Citation: 5 CFR 470

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Stephanie Weakley 202 653-9457

RIN: 3206-AC13

3253. PREVAILING RATE SYSTEMS

CFR Citation: 5 CFR 532

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Richard J. Carney 202 632-7830

RIN: 3206-AC38

3254. PREVAILING RATE SYSTEMS

CFR Citation: 5 CFR 532

Completed:

Reason	Date	FR Cite
Final Action	11/03/86	51 FR 39853
Final Action Effective	12/03/86	

Small Entity: No

Agency Contact: Richard J. Carney 202 632-7830

RIN: 3206-AC77

OPM

Completed Actions

3255. PAY UNDER OTHER SYSTEMS (PAY UNDER THE SES)

CFR Citation: 5 CFR 534, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	01/02/87	52 FR 1
Final Action Effective	02/02/87	

Small Entity: No

Agency Contact: Neal Harwood 202 632-4625

RIN: 3206-AB20

3256. GRADE AND PAY RETENTION; EXCLUSIONS

CFR Citation: 5 CFR 536

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Bobby G. Williams 202 632-4634

RIN: 3206-AC99

3257. PAY ADMINISTRATION (GENERAL); ANNUAL PREMIUM PAY

CFR Citation: 5 CFR 550, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Edward I. Magee 202 632-4634

RIN: 3206-AC97

3258. PAY ADMINISTRATION (GENERAL); BACK PAY

CFR Citation: 5 CFR 550, Subpart H

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Jan Karicher 202 632-4634

RIN: 3206-AC44

3259. ABSENCE AND LEAVE; HOME LEAVE

CFR Citation: 5 CFR 630, Subpart F

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Clarence Mathews 202 632-5056

RIN: 3206-AB64

3260. ABSENCE AND LEAVE; SHORE LEAVE

CFR Citation: 5 CFR 630, Subpart G

Completed:

Reason	Date	FR Cite
Withdrawn	02/11/87	

Small Entity: No

Agency Contact: Clarence Mathews 202 632-5056

RIN: 3206-AB65

3261. AFFIRMATIVE EMPLOYMENT PROGRAMS

Significance: Regulatory Program

CFR Citation: 5 CFR 720

Completed:

Reason	Date	FR Cite
Withdrawn	01/09/87	

Small Entity: No

Agency Contact: Don A. Smith 202 632-7082

RIN: 3206-AB06

3262. SUITABILITY DISQUALIFICATION ACTIONS

CFR Citation: 5 CFR 754

Completed:

Reason	Date	FR Cite
Withdrawn	02/02/87	

Small Entity: No

Agency Contact: Frances Sclafani 202 632-4426

RIN: 3206-AC75

3263. RETIREMENT; CREDIT FOR SERVICE

CFR Citation: 5 CFR 831, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	12/30/86	

Small Entity: No

Agency Contact: John Landers 202 632-1265

RIN: 3206-AB71

3264. RETIREMENT; CREDIT FOR UNUSED SICK LEAVE

CFR Citation: 5 CFR 831, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	12/30/86	

Small Entity: No

Agency Contact: John Landers 202 632-1265

RIN: 3206-AB72

3265. RETIREMENT; AGENCY REQUESTS TO OPM FOR RECOVERY OF A DEBT FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

CFR Citation: 5 CFR 831, Subpart R

Completed:

Reason	Date	FR Cite
Final Action	12/19/86	51 FR 45441
Final Action Effective	01/20/87	

Small Entity: No

Agency Contact: Patricia A. Rochester 202 632-4682

RIN: 3206-AA52

3266. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

CFR Citation: 5 CFR 870

Completed:

Reason	Date	FR Cite
Final Action	10/16/86	51 FR 36795
Final Action Effective	11/17/86	

Small Entity: No

Agency Contact: Eleanor Goodwin 202 632-4634

RIN: 3206-AC65

3267. PREMIUM RATES FOR LIFE INSURANCE

CFR Citation: 5 CFR 870.401; 5 CFR 871.401; 5 CFR 872.401; 5 CFR 873.401

Completed:

Reason	Date	FR Cite
Final Action	12/02/86	51 FR 43337
Final Action Effective	01/02/87	

OPM **Completed Actions**

Small Entity: No

Agency Contact: Jean M. Barber 202 632-1854

RIN: 3206–AC86

3268. FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM; ASSIGNMENT OF LIFE INSURANCE BY FEDERAL JUDGES

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 874

Completed:

Reason	Date	FR Cite
Final Action	10/28/86	51 FR 39361
Final Action Effective	11/28/86	

Small Entity: No

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AB82

3269. FEDERAL LIFE INSURANCE AND HEALTH BENEFITS; REIMBURSEMENT FOR UNDERDEDUCTIONS

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	02/04/87	52 FR 3397
Final Action Effective	03/06/87	

Small Entity: No

Agency Contact: Bonnie Rose 202 832-4634

RIN: 3206–AC67

3270. WAIVER OF REQUIREMENTS FOR CONTINUING HEALTH INSURANCE INTO RETIREMENT

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	01/02/87	52 FR 2
Final Action Effective	02/02/87	

Small Entity: No

Agency Contact: Margaret Sears 202 632-0003

RIN: 3206–AC91

3271. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM: CHANGE OF ENROLLMENT FOR MEDICARE ELIGIBLES

CFR Citation: 5 CFR 890.301(n)

Completed:

Reason	Date	FR Cite
Final Action	01/23/87	52 FR 2505
Final Action Effective	02/23/87	

Small Entity: No

Agency Contact: Barbara Myers 202 632-4634

RIN: 3206–AC85

3272. RE-ENROLLMENT OF ANNUITANTS IN THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 890.301

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/87	

Small Entity: No

Agency Contact: Margaret Sears 202 632-0003

RIN: 3206–AC87

3273. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; OPEN SEASON

CFR Citation: 5 CFR 890, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	01/26/87	52 FR 2665
Final Action Effective	08/12/86	

Small Entity: No

Agency Contact: Barbara Myers 202 632-4634

RIN: 3206–AC92

3274. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

CFR Citation: 5 CFR 890, Subparts C and H

Completed:

Reason	Date	FR Cite
Final Action	01/23/87	52 FR 2505
Final Action Effective	01/23/87	

Small Entity: No

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AB89

3275. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; RESERVE MANAGEMENT

Significance: Regulatory Program

CFR Citation: 5 CFR 890.503

Completed:

Reason	Date	FR Cite
Final Action	02/03/87	52 FR 3210
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: Jean M. Barber 202 632-1854

RIN: 3206–AC79

3276. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; BENEFITS IN MEDICALLY UNDERSERVED AREAS

CFR Citation: 5 CFR 890, Subpart G

Completed:

Reason	Date	FR Cite
Final Action	01/26/87	52 FR 2665
Final Action Effective	08/12/86	

Small Entity: No

Agency Contact: Barbara Myers 202 632-4634

RIN: 3206–AC88

[FR Doc. 87-6628 Filed 04-24-87; 8:45 am]

BILLING CODE 6325-01-T

federal register

Monday
April 27, 1987

Part XXXIII

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. require that executive agencies publish in the Federal Register a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 87-6.

DATED: March 6, 1987.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

3277. PANAMA CANAL COMMISSION ACQUISITION REGULATIONS

Significance: Agency Priority

Legal Authority: 22 USC 3712(c) to 3712(d); PL 98-369

CFR Citation: 48 CFR Chapter 35

Legal Deadline: None.

Abstract: These proposed regulations will provide guidelines for the procurement of goods, services and construction for the Panama Canal Commission within the framework of the Federal Acquisition Regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami, FL 34011, 202 634-6441

RIN: 3207-AA10

3278. FEES FOR FREEDOM OF INFORMATION ACT REQUESTS

Legal Authority: 5 USC 552

CFR Citation: 35 CFR 9.11, (Revision)

Legal Deadline: None.

Abstract: The Panama Canal Commission is proposing to update the fees it charges requestors under the Freedom of Information Act and the Privacy Act to recover direct copying and search costs incurred by the agency in processing such requests. The schedule also incorporates fees for duplication of Canal sounding and engineering charts, graphs, and drawings not heretofore listed. Agencies are permitted by 5 USC 552 to charge fees which recover their costs of searching for and reproducing documents.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	

Small Entity: No

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011, 202 634-6441

RIN: 3207-AA13

PANAMA CANAL COMMISSION (PANAMA) — Final Rule Stage

3279. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PANAMA CANAL COMMISSION PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 35 CFR 257

Legal Deadline: None.

Abstract: These regulations are designed to implement Section 504 of the Rehabilitation Act of 1974, as amended. The prototype regulation provided by the Department of Justice under Executive Order 12250 has been modified to accommodate the special circumstances of the agency. The regulation will be published after it has been reviewed by the Department of Justice and the Equal Employment Opportunity Commission, as required by Executive Order 12250 and 12067 respectively.

Timetable:

Action	Date	FR Cite
NPRM	06/11/86	51 FR 21314
NPRM Comment Period End	11/09/86	51 FR 21314
Final Action	05/01/87	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, Office of General Counsel, APO Miami, FL 34011, 202 634-6441

RIN: 3207-AA08

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3280. PILOTAGE

Significance: Agency Priority

CFR Citation: 35 CFR 105.2

Completed:

Reason	Date	FR Cite
Final Action	10/08/86	51 FR 36010
Final Action Effective	11/07/86	51 FR 36010

Small Entity: No

Agency Contact: John L. Haines, Jr. 202 634-6441

RIN: 3207-AA12

3281. LICENSING OF OFFICER - MATES

Significance: Agency Priority

CFR Citation: 35 CFR 119.103

Completed:

Reason	Date	FR Cite
Final Action	02/06/87	52 FR 3799
Final Action Effective	03/09/87	52 FR 3799

Small Entity: No

Agency Contact: Capt. George Hull 011 507-4500

RIN: 3207-AA14

[FR Doc. 87-6629 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXXIV

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from April 1, 1987 through March 31, 1988. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulations, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Linda Rae Gregory,

Associate Director for Management.

PEACE CORPS (PEACE) — Prerule Stage

3282. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None.

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/87	

Small Entity: No

Agency Contact: John Scales, General Counsel, Peace Corps, 806 Connecticut Avenue, NW, Room M-1207, Washington, DC 20526, 202 254-3114

RIN: 0420-AA03

3283. PEACE CORPS STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 11222 of May 8, 1965, 30 FR 6469, 3 CFR 1964-1965, Supp.306; 5 CFR 735; PL 95-521, as amended

CFR Citation: 22 CFR 307

Legal Deadline: None.

Abstract: Section 735.101 of Title 5 of the Code of Federal Regulations requires each agency head to issue his or her agency regulations regarding the ethical conduct and other responsibilities of all of its employees. One of the main purposes of the regulations in this part is to encourage individuals faced with questions involving subjective judgement to seek counsel and guidance.

Timetable:

Action	Date	FR Cite
Begin Review	08/29/86	48 FR 56206
End Review	06/00/87	

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Randi Greenwald, Designated Agency Ethics Official, Peace Corps, Office of General Counsel, 806 Conn. Ave., NW, Room M-1207, Washington, DC 20526, 202 254-3114

RIN: 0420-AA04

PEACE CORPS (PEACE) — Proposed Rule Stage

3284. COLLECTION OF CLAIMS BY ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3701 et seq; 4 CFR 102

CFR Citation: 22 CFR 309

Legal Deadline: None.

Abstract: Regulation prescribes the procedures and requirements for collection of debts owed to Peace Corps by administrative offset in accordance with the Federal Claims Collection Act of 1966 (80 Stat. 309) and Debt Collection Act of 1982 (PL 97-365).

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Agency Contact: Richard M. Brewer, Dir., Accounting Division, Off. of Fin. Mgt., Peace Corps, 806 Connecticut Avenue, NW, Room P-203, Washington, DC 20526, 202 254-6794

RIN: 0420-AA00

3285. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

PEACE

Proposed Rule Stage

CFR Citation: 22 CFR 310

Legal Deadline: None.

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA01

3286. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None.

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue, NW, Room M-1107, Washington, DC 20526, **202 254-8320**

RIN: 0420-AA02

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Monday
April 27, 1987

Part XXXV

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Bruner, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004; (202) 724-9088.

DATED: December 23, 1986.

M. J. Brodie,

Executive Director, Pennsylvania Avenue Development Corporation.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Proposed Rule Stage

3287. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None.

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208-AA01

3288. PRIVACY ACT UPDATE; DISCLOSURES OF PERSONAL INFORMATION DURING LITIGATION

Legal Authority: 5 USC 552(a); 40 USC 870

CFR Citation: 36 CFR 903

Legal Deadline: None.

Abstract: These regulations adopt rules regarding the routine use of records contained in PADC record systems for disclosure to the Department of Justice and to PADC during the course of litigation. The regulations are intended to make nonconsensual disclosure of personal information routinely used in litigation more consistent with the requirements of the Privacy Act.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/85	50 FR 45841
Comment Period End		
NPRM	11/04/85	50 FR 45841

Next Action Undetermined

Small Entity: No

Agency Contact: Janet Bruner, Attorney, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208-AA04

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Monday
April 27, 1987

Part XXXVI

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Attorney, Corporate Policy and Regulations Department, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 87-6) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3289. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None.

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Additional Information: Publication of this proposed regulation has been delayed because of the need to revise the portions dealing with waiver of a multiemployer plan's contingent liability to reflect certain changes in related statutory provisions made by the Single-Employer Pension Plan Amendments Act of 1986.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA20

3290. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b) (3); 29 USC 1388(e) (3)

CFR Citation: 29 CFR 2646

Legal Deadline: None.

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy

and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA22

3291. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None.

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA37

3292. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647, (Amendment)

Legal Deadline: None.

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/87	
NPRM Comment Period End	01/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA38

3293. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642, (Amendment)

Legal Deadline: None.

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain

modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA39

3294. ● ALLOCATING UNFUNDED VESTED BENEFITS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None.

Abstract: In a notice published in the FEDERAL REGISTER on December 31, 1986 (51 FR 47342), the PBGC issued its interpretation that ERISA section 4211 does not permit the assessment of withdrawal liability against an employer by a multiemployer plan that had no unfunded vested benefits as of the end of the plan year preceeding the employer's withdrawal. This interpretation raises certain questions as to the proper manner of applying the allocation methods prescribed in section 4211(b) and (c)(2) by a plan that at one time was fully funded, but is no longer. The PBGC plans to issue a proposed amendment to its regulation on allocating unfunded vested benefits dealing with this issue.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	
NPRM Comment Period End	10/00/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA51

3295. VALUATION OF PLAN BENEFITS IN SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Legal Deadline: None.

Abstract: This rule would amend PBGC's regulation on Valuation of Plan Benefits in Single-Employer Plans, 29 CFR Part 2619. That regulation sets forth the rules for valuing benefits in terminating plans that are covered by the insurance program under ERISA, which valuation is needed to determine if plan assets are sufficient to provide for plan benefits and to properly allocate assets to those benefits. After review of this regulation pursuant to Executive Order 12291, the PBGC is amending the rules for valuing benefits payable as lump sums upon termination. The effect of this amendment is to prescribe a new standard for the interest rates used to value lump sums that are paid in lieu of annuities, and to require that in valuing involuntary lump sums, pre-retirement mortality is to be disregarded. The amendment is needed to protect recipients of lump sum distributions from loss of benefit value resulting from the use of inappropriate valuation methods.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA26

3296. IMPLEMENTATION GUIDELINES (TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS)

Legal Authority: 29 USC 1302; 29 USC 1321; 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. This regulation will implement those principles and provide more detailed rules concerning the requirements that certain types of transactions must satisfy in order to be recognized as valid terminations under Title IV of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	
NPRM Comment Period End	12/00/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA27

3297. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with

resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	03/00/88	

Small Entity: No

Agency Contact: Ms. Ellan H. Spring, Program Analyst, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA35

3298. RETIREMENT EQUITY ACT AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2618; 29 CFR 2619

Legal Deadline: None.

Abstract: Part 2613 of the PBGC's regulations defines "nonforfeitable" and "guaranteed" benefits for the purposes of Title IV of ERISA. Part 2618 implements the statutory rules for allocating plan assets to pay benefits upon plan termination. Part 2619 prescribes rules for valuing plan benefits, including rules for determining the form of benefit to be valued. Each of these regulations is effected by the Retirement Equity Act of 1984 ("REA").

REA provides that certain early retirement benefits and retirement-type subsidies and optional benefit forms will be treated as accrued benefits, and that their elimination will be treated as an impermissible reduction in accrued benefits. These amendments will conform PBGC's regulations to the provisions of REA. The amendments will impose no new costs on plans and may alleviate administrative burdens by providing definitive rules.

Timetable:

Action	Date	FR Cite
NPRM	01/00/88	
NPRM Comment Period End	03/00/88	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA36

3299. ● EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2622

Legal Deadline: None.

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	
NPRM Comment Period End	11/00/87	

Small Entity: No

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA48

3300. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11009

CFR Citation: 29 CFR 2616

Legal Deadline: None.

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, unless a plan has sufficient assets to satisfy all plan benefit commitments, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and the substantial members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, the sponsor is unable to continue to maintain the plan. The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Manager, Regulations Division, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA41

3301. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11008

CFR Citation: 29 CFR 2617

Legal Deadline: None.

Abstract: Under the Single-Employer Pension Plan Amendments Act of 1986, absent a showing of financial hardship or unduly burdensome pension costs

PBGC **Proposed Rule Stage**

that would satisfy the requirements for a distress termination, a single-employer plan my be voluntarily terminated only if it is sufficient for all benefit commitments (i.e., all nonforfeitable benefits). This is referred to as a "standard" termination. The Act also modifies many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing SEPPAA's new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	
Final Action	04/00/88	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Manager, Regulations Division, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA47

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Final Rule Stage

3302. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341A ERISA; 29 USC 1441 ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None.

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24536
NPRM Comment Period End	09/05/86	
Final Action	08/00/87	
Final Action Effective	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA19

3303. ALLOCATING UNFUNDED VESTED BENEFITS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None.

Abstract: On January 19, 1981, PBGC issued an interim regulation dealing with alternative methods for allocating unfunded vested benefits in multiemployer pension plans. PBGC now plans to re-promulgate that regulation in order to correct ambiguities that have arisen under it, to conform the procedures contained in it to other PBGC regulations, and to reduce the information reporting requirements in the regulation. The regulation will impose no new costs on the public and may reduce costs for plans adopting certain alternative allocation rules by reducing the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/09/85	50 FR 36603
NPRM Comment Period End	11/08/85	
Final Action	07/00/87	
Final Action Effective	08/00/87	

Small Entity: No

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA21

PBGC

Final Rule Stage

3304. ● THE RETIREMENT EQUITY ACT AMENDMENTS: CASH-OUT LIMITATION

Legal Authority: 29 USC 1302(b); 29 USC 1341; 29 USC 1344; 29 USC 1362; PL 99-272, Sec 11008 to 11009; PL 99-272, Sec 11011

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2619

Legal Deadline: None.

Abstract: The PBGC's guaranteed benefits regulation (29 CFR Part 2613) provides that the PBGC will not pay lump sum benefits under insufficient plans unless the value of the benefit is $1,750 or less. Similarly, the plan sufficiency and valuation of benefits regulations (29 CFR Parts 2617 and 2619) permit plan administrators of terminating sufficient plans to pay lump sum benefits without a participant's consent if the value of the benefit is $1,750 or less. This $1,750 limit corresponds to the "cash-out" provisions in ERISA section 204(d) and Internal Revenue Code section 411(b)(7)(B). Theses provisions were amended by the Retirement Equity Act of 1984 to raise the cash-out limit to $3,500, in recognition of the effects of inflation on the value of small pension benefits. The PBGC believes that the same consideration supports its raising the lump sum limitation in these several regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/86	51 FR 44798
NPRM Comment Period End	02/10/87	
Final Action	09/00/87	

Small Entity: No

Additional Information: This amendment had previously been included in RIN 1212-AA36, "Retirement Equity Act Amendments". However, that project is large and complex, and therefore, those amendments will not be issued for some time. The PBGC believes that the interest of plan participants is best served by splitting out this one amendment so that it may be issued more quickly.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA49

3305. ● MISCELLANEOUS SEPPAA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1343; 29 USC 1344; 29 USC 1362 to 1364; 29 USC 1367 to 1368; PL 99-272, Sec 11008 to 11011; PL 99-272, Sec 11016

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None.

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") made several changes in Title IV rules and procedures that effect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to SEPPAA's new provisions. For example, because SEPPAA alters the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contains, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA also increases the liability to the PBGC of an employer that terminates an underfunded plan, providing for liability in excess of 30% of the employer's net worth in cases where the plan asset insufficiency substantially exceeds the net worth limitation. (CONT)

Timetable:

Action	Date	FR Cite
Final Action	12/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: SEPPAA also provides special payment rules for this additional liability. The employer liability regulation needs to be amended to reflect these changes.

This rulemaking reflects the merger of four separate items on the PBGC's last regulation agenda (51 FR 39086): RINS 1212-AA43, 1212-AA44, 1212-AA45 and 1212-AA46. Since each of these items dealt with amendments necessitated by the enactment of SEPPAA, and since there will be few amendments to the regulations (save, perhaps, to the employer liability regulation), the PBGC determined that it would be more efficient to combine the four projects into one.

After reviewing the employer liability regulation, the PBGC has determined that SEPPAA's rules creating employer liability to section 4049 trusts and to the section 4042 trustees (referred to in the prior regulation agenda) should not be added to the existing regulation. Any PBGC rules implementing these new liability provisions will be the subject of a separate regulation.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA50

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Completed Actions

3306. RULES FOR VALUING GROUP INSURANCE CONTRACTS (AMENDMENT TO THE VALUATION OF PLAN ASSETS REGULATION)

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341 ERISA; 29 USC 1344 ERISA; 29 USC 1362(b)(1) ERISA

CFR Citation: 29 CFR 2620

Legal Deadline: None.

Abstract: This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19386
NPRM Comment Period End	07/08/85	50 FR 19386
Withdrawn	03/31/87	

Small Entity: Not Applicable

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8859

RIN: 1212-AA01

3307. VALUATION OF PLAN BENEFITS IN SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Legal Deadline: None.

Abstract: The PBGC's regulation on Valuation of Plan Benefits in Single-Employer Plans, 29 CFR Part 2619, prescribes actuarial assumptions and methods to be used in valuing benefits in terminated single-employer pension plans. The PBGC intends to amend this regulation to adopt the approach to valuation employed in its regulation on valuation of benefits in multiemployer plans terminated by mass withdrawal, 29 CFR Part 2676, in order to conform more precisely to generally accepted actuarial practice. The proposed amendment would enable PBGC valuations to more accurately reflect interest and other assumptions that underlie the insurance annuity market place.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	51 FR 10334
NPRM Comment Period End	05/27/86	
Withdrawn	02/19/87	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA32

3308. REPORTING AND NOTIFICATION REQUIREMENTS FOR NON-MULTIEMPLOYER PENSION PLANS

Significance: Agency Priority

Legal Authority: 29 USC 1302(b)(3); 29 USC 1343; 29 USC 1365

CFR Citation: 29 CFR 2615

Legal Deadline: None.

Abstract: The PBGC is reviewing this regulation, which implements the reporting requirements imposed by ERISA section 4043, to ascertain what changes are needed to conform this regulation to the Title IV revisions effected by the Single-Employer Pension Plan Amendments Act of 1986. For example, the regulation currently provides (Sec. 2615.1) that it applies to a single- employer plan for which a notice of intent to terminate has not been filed with the PBGC. However, under amended ERISA section 4041(a), a notice of intent to terminate is no longer filed with the PBGC in standard terminations, and thus at least this aspect of the regulation needs to be revised.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/86	
End Review - Merged into RIN 1212-AA50.	03/31/87	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Manager, Regulations Division, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA43

3309. EMPLOYER LIABILITY FOR SINGLE-EMPLOYER PLAN TERMINATIONS; RULES PERTAINING TO WITHDRAWALS FROM AND TERMINATIONS OF PLANS TO WHICH MORE THAN ONE EMPLOYER CONTRIBUTES OTHER (CONT)

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364; 29 USC 1367 to 1368; PL 99-272, Sec 11011; PL 99-272, Sec 11016

CFR Citation: 29 CFR 2622

Legal Deadline: None.

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 significantly changes ERISA's employer liability rules: potential liability to the PBGC is increased, and new liabilities are created to a "section 4049 trust" for unfunded benefit commitments and to the section 4042 trustee for the outstanding balance of accumulated unpaid or waived contributions. This regulation will, therefore, have to be amended. The PBGC plans to begin shortly reviewing this regulation to determine what changes must be made and whether all the liability provisions should be included in this regulation or whether the PBGC should promulgate a separate regulation dealing with liability to the section 4049 trust and the section 4042 trustee.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/86	
End Review - Merged into RIN 1212-AA50.	03/31/87	

Small Entity: No

Additional Information: TITLE CONT: Than Multiemployer Plans

Agency Contact: J. Ronald Goldstein, Manager, Regulations Division, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA44

PBGC

Completed Actions

3310. RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Legal Authority: 29 USC 1302 (b) (3)

CFR Citation: 29 CFR 2606

Legal Deadline: None.

Abstract: This regulation establishes rules and procedures under which persons may obtain administrative review of various PBGC determinations. The Single-Employer Pension Plan Amendments Act of 1986 alters the determinations that the PBGC may make with respect to voluntary terminations. Therefore, the PBGC needs to amend this regulation to conform it to these new plan termination rules.

Timetable:

Action	Date	FR Cite
Merged into RIN 1212-AA50.	03/31/87	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA45

3311. BENEFIT REDUCTIONS IN TERMINATED SINGLE-EMPLOYER PENSION PLANS AND RECOUPMENT OF BENEFIT OVERPAYMENTS

Legal Authority: 29 USC 1302 (b) (3); 29 USC 1322; 29 USC 1344; PL 99-272, Sec 11009 (a)

CFR Citation: 27 CFR 2623

Legal Deadline: None.

Abstract: This regulation, among other things, contains rules limiting benefit payments after the filing with the PBGC of a notice of intent to terminate by a plan that is not sufficient for guaranteed benefits. However, the new rules in the Single-Employer Pension Plan Amendments Act of 1986 on distress terminations modify both the applicability and timing of these benefit cutback rules. Therefore, conforming amendments to this regulation are necessary.

Timetable:

Action	Date	FR Cite
Merged into RIN 1212-AA50.	03/31/87	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (35100), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA46

[FR Doc. 87-6632 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXXVII

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

DATED: February 26, 1987.
By Authority of the Board.
For the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3312	Part 220 Disability Determinations	3220-AA01
3313	Computing the Employee and Spouse Annuity	3220-AA03
3314	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from such Determinations	3220-AA11
3315	Annuity Beginning and Ending Dates	3220-AA13
3316	Evidence Required for Payment	3220-AA14
3317	Eligibility for an Annuity	3220-AA15
3318	Application for Annuity or Lump Sum	3220-AA16
3319	Enforcement of Nondiscrimination on the Basis of Handicapped in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3320	Jurisdiction Determinations	3220-AA28
3321	Family Relationship	3220-AA29
3322	Survivor Annuity Computations	3220-AA30
3323	Social Security Overall Minimum Annuity	3220-AA31
3324	Deductions for Work	3220-AA32
3325	Federal Health Insurance Benefits for the Aged and Disabled	3220-AA33
3326	Eligibility for Federal Health Insurance Benefits	3220-AA34
3327	Premium Collection for Federal Health Insurance Supplementary Medical Insurance Benefits	3220-AA35
3328	Federal Health Insurance Benefits Coverage Outside the United States	3220-AA36
3329	Withholding Payment	3220-AA41
3330	Waiver of Annuity	3220-AA42
3331	Transfer or Assignment of Payments	3220-AA43
3332	Erroneous Payments	3220-AA44
3333	Sickness Benefits and Maternity Benefits	3220-AA45
3334	Debt Collection	3220-AA47
3335	Administration of Estates	3220-AA48
3336	Recovery of Debts Owed to the United States Government by Employees	3220-AA49

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3337	Primary Insurance Amount Determinations	3220-AA02
3338	Railroad Employers Reports and Responsibilities	3220-AA25
3339	Creditable Railroad Service	3220-AA26
3340	Creditable Railroad Compensation	3220-AA27

RRB

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3341	Reopening of Decisions Regarding Railroad Retirement Annuities	3220-AA46

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3312. PART 220 DISABILITY DETERMINATIONS

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Legal Deadline: None.

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4793

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Grace Koester, Regulations Project Director, Railroad Retirement Board, Bureau of Hearings and Appeals, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220-AA01

3313. COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None.

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA03

3314. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320; 20 CFR 340

Legal Deadline: None.

Abstract: The Board's regulation setting forth the procedures to be followed in rendering initial decisions and in requesting and handling reconsiderations and appeals from these decisions has been reviewed and a proposal to make certain revisions in Part 320 is being developed. The proposed regulation would conform the procedures more closely to those applicable under the Railroad Retirement Act. The proposed amendment to Part 340 explains when and under what circumstances waiver of recovery of erroneous payments may occur.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Walter Witkovich, Chief of Adjudication, Railroad Retirement Board, Bureau of Unemployment & Sickness Insurance, 844 Rush Street, Chicago, IL 60611, 312 751-4810

RIN: 3220-AA11

3315. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Legal Deadline: None.

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA13

RRB

Proposed Rule Stage

3316. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Legal Deadline: None.

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA14

3317. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None.

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Karl Blank, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4941

RIN: 3220-AA15

3318. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Legal Deadline: None.

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA16

3319. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 364; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to .58; 29 CFR 1613; 41 CFR 101-19.600 to .607

Legal Deadline: None.

Abstract: The proposed regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4929

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA22

3320. JURISDICTION DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 221

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 221 to conform with current law.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA28

3321. FAMILY RELATIONSHIP

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 222 to define any family relationship requirements needed to establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA29

3322. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 606ll, 312 751-4714

RIN: 3220-AA30

3323. SOCIAL SECURITY OVERALL MINIMUM ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA31

3324. DEDUCTIONS FOR WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR Part 230 to explain how annuity deductions for work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA32

3325. FEDERAL HEALTH INSURANCE BENEFITS FOR THE AGED AND DISABLED

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 270

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 270 to describe the rights of aged and disabled persons for Federal Health Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA33

3326. ELIGIBILITY FOR FEDERAL HEALTH INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 271

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 271 to describe when a person is eligible for Federal Health Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA34

3327. PREMIUM COLLECTION FOR FEDERAL HEALTH INSURANCE SUPPLEMENTARY MEDICAL INSURANCE BENEFITS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 272

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 272 to describe when and how premiums are collected from persons eligible for Federal Health Insurance Supplementary Medical Insurance Benefits under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA35

3328. FEDERAL HEALTH INSURANCE BENEFITS COVERAGE OUTSIDE THE UNITED STATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 273

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to add 20 CFR Part 273 to describe when and how Federal Health Insurance Benefits coverage is

provided under the Railroad Retirement Act of 1974 for persons residing outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA36

3329. WITHHOLDING PAYMENT

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 241

Legal Deadline: None.

Abstract: Part 241 will group the various regulations, currently found in several parts of the Board's regulations, that concern situations where payments may be withheld.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4935

Agency Contact: Steven A. Bartholow, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA41

3330. WAIVER OF ANNUITY

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 242; 20 CFR 262

Legal Deadline: None.

Abstract: The new Part 242 would include in a separate part the provisions for waiver of annuity which currently are contained in sections 262.6 and 262.7.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4935

Agency Contact: Steven A. Bartholow, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA42

3331. TRANSFER OR ASSIGNMENT OF PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 243; 20 CFR 295, (when adopted); 20 CFR 262.5; 20 CFR 350

Legal Deadline: None.

Abstract: Currently, regulations concerning this subject matter appear in several parts of the Board's regulations. The new Part 243 will bring together or cross-reference the several related regulatory sections.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4929

Agency Contact: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA43

3332. ERRONEOUS PAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None.

Abstract: Part 255 is being revised to clarify when and how erroneous payments under the Railroad Retirement Act must be recovered.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4568

Agency Contact: Stanley Jay Shuman, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4568

RIN: 3220-AA44

3333. SICKNESS BENEFITS AND MATERNITY BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None.

Abstract: Part 335 will be amended to delete obsolete provisions and to simplify and clarify the language of that Part.

Timetable:

Action	Date	FR Cite
NPRM	10/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment & Sickness Ins., Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4810

RIN: 3220-AA45

3334. DEBT COLLECTION

Legal Authority: 31 USC 3711; 31 USC 3717

CFR Citation: 4 CFR 102.13; 20 CFR 200

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 200 to provide for assessment of interest, penalties, and collection costs, as authorized by the Debt Collection Act of 1982, in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board. Section 11 of the Debt Collection Act of 1982 (Pub. L. 97-365) amended section 3(e) of the Federal Claims Collection Act of 1966 to provide that the head of an agency shall charge interest on claims owed the agency, assess penalties on delinquent debts, and assess charges to cover the costs of processing delinquent claims. Section 11 imposes a mandatory requirement that interest, penalties, and charges be assessed except as specifically provided in that section.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4946

Agency Contact: James A. Evans, Assistant Chief, Systems and Procedures Division, Railroad Retirement Board, Bureau of Fiscal

RRB — Proposed Rule Stage

Operations, 844 Rush Street, Chicago, IL 60611, 312 751-4946

RIN: 3220-AA47

3335. ADMINISTRATION OF ESTATES

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 236

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to update Part 236 of its regulations, which concerns payments to estates in cases where the estates are not administered.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Agency Contact: Karl T. Blank, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4941

RIN: 3220-AA48

3336. ● RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY EMPLOYEES

Legal Authority: 5 USC 5514(b)(1)

CFR Citation: 20 CFR 361

Legal Deadline: None.

Abstract: The Railroad Retirement Board is proposing regulations to provide for the administration of its authority under the Debt Collection Act of 1982, 5 USC 5514, to recover debts owed to the United States by installment collections from the current pay account of Federal employees.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220-AA49

RAILROAD RETIREMENT BOARD (RRB) — Final Rule Stage

3337. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Legal Deadline: None.

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	07/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4714

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Roger L. Flood, Regulations Project Director, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4714

RIN: 3220-AA02

3338. RAILROAD EMPLOYERS REPORTS AND RESPONSIBILITIES

Legal Authority: 45 USC 231f(b)(5) to 231f(b)(6); 45 USC 231h; 45 USC 231l

CFR Citation: 20 CFR 209

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 209 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Agency Contact: Scott Kuhlmey, Chief of Coverage and Procedures, Railroad Retirement Board, Compensation and Certification, 844 Rush Street, Chicago, IL 60611, 312 751-4877

RIN: 3220-AA25

3339. CREDITABLE RAILROAD SERVICE

Legal Authority: 45 USC 231(d) to 231(f); 45 USC 231(i); 45 USC 231f(b)(5)

CFR Citation: 20 CFR 210

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 210 to comply with changes required by the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Scott Kuhlmey, Chief of Coverage and Procedures, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4877

RIN: 3220-AA26

3340. CREDITABLE RAILROAD COMPENSATION

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 211

Legal Deadline: None.

Abstract: The Railroad Retirement Board proposes to amend 20 CFR 211 to comply with the changes required by the Railroad Retirement Solvency Act of 1983.

RRB **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2553
NPRM Comment Period End	02/23/87	52 FR 2553
Final Action	04/00/87	

Small Entity: Not Applicable

Additional Information: FTS 387-4877

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Scott Kuhlmey, Chief of Coverage and Procedures, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4877

RIN: 3220–AA27

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

3341. REOPENING OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES

CFR Citation: 20 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn	10/28/86	

Small Entity: Not Applicable

Agency Contact: Michael C. Litt 312 751-4929

RIN: 3220–AA46

[FR Doc. 87-6633 Filed 04-24-87; 8:45 am]

BILLING CODE 7905-01-T

federal register

Monday
April 27, 1987

Part XXXVIII

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

DATED: February 10, 1987.

Wilfred L. Ebel,

Acting Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

3342. ● SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC App. 45 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None.

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 87-6634 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XXXIX

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 16th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, 202/653-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the six-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

DATED: March 6, 1987.

Charles L. Heatherly,

Deputy Administrator.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3343	Size Standards: Construction	3245-AA95
3344	Size Standards; Certain Retail and Service Industries	3245-AB03

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3345	Certificate of Competency	3245-AA74
3346	Size Standards, Export Trading Companies	3245-AA83
3347	Regulations Applying Small Business Size Standards	3245-AA84
3348	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3349	Size Rule for Small Business Innovation Research Program Time of Size Determination	3245-AB15
3350	Procurement Assistance: User Fees for PASS	3245-AB20
3351	Minority Small Business	3245-AB26

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3352	Surety Bond Guarantee Regulations	3245-AA20
3353	Civil Rights Compliance: Discrimination on the Basis of Handicap	3245-AA21
3354	Size Standards; Travel Agencies	3245-AA58
3355	Size Standard: Real Estate Agents	3245-AA88
3356	Small Business Size Standards: Commercial Fishing	3245-AB00
3357	Loans to State and Local Development Companies (Rev. 4, Amt. 15)	3245-AB10
3358	Small Business Investment Companies	3245-AB12
3359	Small Business Development Centers	3245-AB17

SBA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3360	Small Business Size Standards; Modification of Size Standards to Make Existing Size Standards Compatible with New Standard Industrial Classification System (SIC)	3245-AB19
3361	Definition of Small Business for Dredging	3245-AB23
3362	Freedom of Information Act Fee and Fee Waivers Regulations	3245-AB25
3363	Program Fraud Civil Remedies Regulations	3245-AB27

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3364	Minority Small Business and Capital Ownership Development	3245-AA12
3365	Procurement Assistance Break-out Procurement Center Representatives	3245-AA73
3366	Small Business Investment Companies; Computation of Net Gain in Marketable Securities	3245-AA79
3367	Small Business Investment Companies; Limitations on Portfolio Investments	3245-AA80
3368	Disaster Loan Program	3245-AA98
3369	Nondiscrimination in Federally Assisted Programs: Retention of Records	3245-AB01
3370	Time of Size Determination	3245-AB06
3371	Loans to State and Local Development Companies	3245-AB08
3372	Business Loan Policy: Liquidation of Loans and Security	3245-AB09
3373	Size Standard for Agricultural Enterprises/Disaster Loans	3245-AB16
3374	Small Business Investment Companies	3245-AB18
3375	Debt Collection; Income Tax Refund Offset	3245-AB21
3376	Deregulation of Authority to Conduct Program Activities in Field Offices; Certificate of Competency Approval Authority	3245-AB22
3377	Certificate of Competency Program; Certificate of Competency Approval Authority	3245-AB24

SMALL BUSINESS ADMINISTRATION (SBA)

Prerule Stage

3343. SIZE STANDARDS: CONSTRUCTION

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Establishing an updated size standard for the construction industry.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	04/00/87	
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA95

3344. SIZE STANDARDS; CERTAIN RETAIL AND SERVICE INDUSTRIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: To review and revise, as necessary, the small business size standards for certain retail and service industries.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/86	
End Review	09/00/87	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AB03

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

3345. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None.

Abstract: Overall revision to COC regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, **202 653-6582**

RIN: 3245-AA74

3346. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Harvey Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA83

3347. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6373**

RIN: 3245-AA84

3348. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None.

Abstract: Establishment of new system of annual compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Erin McDonnell, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW, Room 1018, Washington, DC 20416, **202 653-6370**

RIN: 3245-AB07

3349. SIZE RULE FOR SMALL BUSINESS INNOVATION RESEARCH PROGRAM TIME OF SIZE DETERMINATION

Legal Authority: 15 USC 632; 15 USC 638

CFR Citation: 13 CFR 121.7

Legal Deadline: None.

Abstract: Establishing the time a firm's size will be determined as the time of award of the funding agreement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: Yes

Agency Contact: Richard Shane, Associate Administrator for Innovation, Research and Technology, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, **202 653-7875**

RIN: 3245-AB15

3350. ● PROCUREMENT ASSISTANCE: USER FEES FOR PASS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None.

Abstract: Increase user fee for PASS system to recoup costs of program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
NPRM Comment Period End	05/00/87	

Small Entity: No

Agency Contact: Monika Harrison, Associate Administrator for Procurement, Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, D.C. 20416, **202 653-6635**

RIN: 3245-AB20

3351. ● MINORITY SMALL BUSINESS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None.

Abstract: Regulations governing the participation of Indian tribes in the Section 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	
NPRM Comment Period End	09/00/87	

Small Entity: Yes

Agency Contact: Wilfredo Gonzalez, Associate Administrator/Minority Small, Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, **202 653-6407**

RIN: 3245-AB26

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

3352. SURETY BOND GUARANTEE REGULATIONS

Legal Authority: 15 USC 634(b)(6); 15 USC 694b(d)

CFR Citation: 13 CFR 115

Legal Deadline: None.

Abstract: Revision of the existing regulations for SBA's Surety Bond Guarantee Program. These changes will allow SBA to vary the percentage of its guarantee depending upon SBA's experience with the surety company requesting the guarantee. It also makes the fee which SBA charges for its guarantee negotiable.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/83	48 FR 37658
ANPRM Comment Period End	10/19/83	
NPRM	08/21/85	50 FR 33766
NPRM Comment Period End	10/21/85	
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Howard F. Huegel, Acting Director, Office of Special Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Arlington, VA 22203, 703 235-2900

RIN: 3245-AA20

3353. CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Legal Deadline: None.

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period End	10/30/84	
Final Action	06/00/87	

Small Entity: No

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, 202 653-6050

RIN: 3245-AA21

3354. SIZE STANDARDS; TRAVEL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to modify proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	07/30/86	51 FR 27192
NPRM Comment Period End	09/29/86	
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA58

3355. SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	08/00/87	

Small Entity: Yes

Agency Contact: Harvey Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AA88

3356. SMALL BUSINESS SIZE STANDARDS: COMMERCIAL FISHING

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None.

Abstract: Size standard for commercial fishing firms.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/85	50 FR 15411
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 500, Washington, DC 20416, 202 653-6373

RIN: 3245-AB00

3357. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES (REV. 4, AMT. 15)

Significance: Agency Priority

Legal Authority: PL 99-272, Sec 18008

CFR Citation: 13 CFR 108

Legal Deadline: None.

Abstract: Rules for conducting a two year pilot program through which debentures guaranteed under section 503 of the Small Business Investment Act and interests in pools of debentures issued under section 504 of that Act are sold to investors through public sale or private placement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/86	51 FR 20781
Public comment period ends	08/05/86	51 FR 20781
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, 202 653-6076

RIN: 3245-AB10

3358. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of

interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	04/00/87	

Small Entity: Yes

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245-AB12

3359. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302, Title II; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None.

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	12/22/86	51 FR 37580
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Johnnie Albertson, Deputy Associate Administrator for Business Development, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245-AB17

3360. ● SMALL BUSINESS SIZE STANDARDS; MODIFICATION OF SIZE STANDARDS TO MAKE EXISTING SIZE STANDARDS COMPATIBLE WITH NEW STANDARD INDUSTRIAL CLASSIFICATION SYSTEM (SIC)

Significance: Regulatory Program

Legal Authority: 15 USC 637(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None. This deadline was created by OMB's publication of comprehensive changes to the Standard Industrial Classification Code System, effective 1/1/87.

Abstract: The SBA is modifying its size standards to conform with the newly revised SIC system which has been revised by the Office of Management and Budget effective January 1, 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/87	52 FR 397
Final Action	08/00/87	

Small Entity: Yes

Agency Contact: Harvey D. Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB19

3361. ● DEFINITION OF SMALL BUSINESS FOR DREDGING

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: Judicial, November 3, 1986. This change is in response to an order from the District Court for the District of Columbia which set aside the current dredging size standard ($13.5 million) but left in place the previous size standard ($9.5 million).

Abstract: To clarify for the public and others who use SBA size standards that as of November 3, 1986, the applicable size standard for the dredging industry will be $9.5 million average annual receipts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/86	51 FR 44036
Final Action	09/00/87	

Small Entity: Yes

Agency Contact: Harvey D. Bronstein, Economist, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245-AB23

3362. ● FREEDOM OF INFORMATION ACT FEE AND FEE WAIVERS REGULATIONS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 102.6

Legal Deadline: Statutory, April 26, 1987.

Abstract: Amendments to Fee and Fee Waiver provisions to conform to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Nicholas Kalcounos, Director, Freedom of Information/Privacy Acts, Small Business Administration, 2100 K Street, N.W., Room 300, Washington, D.C. 20416, 202 653-6460

RIN: 3245-AB25

3363. ● PROGRAM FRAUD CIVIL REMEDIES REGULATIONS

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 13 CFR 141

Legal Deadline: Statutory, April 21, 1987.

Abstract: Regulations implementing the Program Fraud Civil Remedies

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	

Small Entity: No

Agency Contact: Patricia R. Forbes, Attorney Adviser, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, 202 653-6573

RIN: 3245-AB27

SMALL BUSINESS ADMINISTRATION (SBA)

Completed Actions

3364. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Significance: Agency Priority

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Legal Deadline: None.

Abstract: These regulations would substantially revise program management for the SBA's Minority Enterprise Program.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56686
Comment Period extended to 3/21/84	02/17/84	49 FR 6103
Final Action	10/08/86	51 FR 36132
Final Action Effective	11/24/86	51 FR 36132

Small Entity: Yes

Agency Contact: Wilfredo J. Gonzalez, Associate Administrator, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6407

RIN: 3245-AA12

3365. PROCUREMENT ASSISTANCE BREAK-OUT PROCUREMENT CENTER REPRESENTATIVES

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Legal Deadline: None.

Abstract: Revise regulations dealing with Break-out Procurement Center Representatives and Break-out procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/27/86	51 FR 23426
NPRM Comment Period End	07/28/86	
No further action	01/20/87	

Small Entity: Undetermined

Agency Contact: Ruben E. Weatherholtz III, Associate Administrator for PTA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6635

RIN: 3245-AA73

3366. SMALL BUSINESS INVESTMENT COMPANIES; COMPUTATION OF NET GAIN IN MARKETABLE SECURITIES

Legal Authority: 15 USC 634(b)(6); 15 USC 686(a)

CFR Citation: 13 CFR 107

Legal Deadline: None.

Abstract: Clarifies the meaning of "marketable securities" by excluding any securities which are restricted in any manner or form from the definition set forth in 13 CFR 107.303(b)(1).

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46553
NPRM Comment Period End	12/27/84	49 FR 46553
No further action	01/20/87	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6848

RIN: 3245-AA79

3367. SMALL BUSINESS INVESTMENT COMPANIES; LIMITATIONS ON PORTFOLIO INVESTMENTS

Legal Authority: 15 USC 687

CFR Citation: 13 CFR 107

Legal Deadline: None.

Abstract: Limitations on Portfolio Investments of SBIC's.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	49 FR 44062
NPRM Comment Period End	12/03/84	49 FR 44062
Comment period extended to 12/17/84	12/11/84	49 FR 48201
No further action	01/20/87	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6848

RIN: 3245-AA80

3368. DISASTER LOAN PROGRAM

Legal Authority: 15 USC 634; 15 USC 636

CFR Citation: 13 CFR 123

Legal Deadline: None.

Abstract: Delete requirement that at least 5 businesses in a county have suffered substantial economic injury before a Governor requests a disaster designation. Remove requirement that disaster loan funds not be used to pay certain tax delinquencies. Remove requirement that all members of board of directors or other governing body of a small agricultural cooperative qualify as small under SBA size standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/85	50 FR 04614
No further action	01/20/87	

Small Entity: Yes

Agency Contact: Bernard Kulik, Deputy Associate Administrator, Disaster Assistance, Small Business Administration, 1441 L Street, NW, Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245-AA98

3369. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS: RETENTION OF RECORDS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112; 13 CFR 113

Legal Deadline: None.

Abstract: Amendments to Parts 112 and 113 of 13 C.F.R. to direct the reader to SBA Form 793 for specifics on which records to retain and for what length of time. Also, other technical corrections such as replacing the cite to H.E.W. with a cite to H.H.S.

Timetable:

Action	Date	FR Cite
Withdrawn	01/14/87	

Small Entity: Yes

Agency Contact: Doris Dockett, Acting Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, 202 653-6054

RIN: 3245-AB01

3370. TIME OF SIZE DETERMINATION

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121.4(d) and (g)

Legal Deadline: None.

Abstract: Amendment of SBA Size Regulations to require that self-certification that a concern is small must occur after SBA has accepted the procurement in support of an 8(a) firm. Size will be determined for contract purposes at the time of the cost proposal after SBA acceptance of the procurement. Subsequent changes after that point in time, except for affiliation, will not affect the size determinations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/07/86	51 FR 11705
Final Action	12/17/86	51 FR 45102
Final Action Effective	12/17/86	51 FR 45102

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245-AB06

3371. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 695

CFR Citation: 13 CFR 108

Legal Deadline: None.

Abstract: Sections of a general revision of state and local development company rules which differed substantially from the proposed rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/86	51 FR 20764
Final Action	06/06/86	51 FR 20764
Public comment period ends	08/05/86	51 FR 20764

Small Entity: Yes

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 720, Washington, DC 20416, 202 653-6076

RIN: 3245-AB08

3372. BUSINESS LOAN POLICY: LIQUIDATION OF LOANS AND SECURITY

Legal Authority: PL 99-198, Sec 1321

CFR Citation: 13 CFR 120; 13 CFR 123

Legal Deadline: Judicial, April 1, 1973. A court ordered deadline applies

Abstract: Provision of homestead protection for farmers and ranchers whose SBA loans are being liquidated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/86	51 FR 17002
Public comment period ends	06/09/86	51 FR 17002
Final Action	11/14/86	51 FR 45

Small Entity: Yes

Additional Information: DOJ will add comments

Agency Contact: Fred Hanus, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 814, Washington, DC 20416, 202 653-6900

RIN: 3245-AB09

3373. SIZE STANDARD FOR AGRICULTURAL ENTERPRISES/DISASTER LOANS

Legal Authority: PL 99-272

CFR Citation: 13 CFR 121; 13 CFR 123

Legal Deadline: None.

Abstract: Raising the size standard for agricultural enterprises and removal of eligibility of agricultural enterprises for SBA disaster assistance.

Timetable:

Action	Date	FR Cite
Final Action	09/10/86	51 FR 32197

Small Entity: Yes

Agency Contact: Andrew Canellas, Dir./Bernard Kulik, Size Standards Staff /Deputy Assoc. Admin., for Disaster, Small Business Administration, 1441 L Street, NW, Room 820/ Room 600, Washington, DC 20416 202-653-6879, 202 653-6373

RIN: 3245-AB16

3374. ● SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 687(c); 15 USC 687(d); 15 USC 687(g)

CFR Citation: 13 CFR 107

Legal Deadline: Statutory, October 1, 1986.

Abstract: The rule makes technical changes governing the cost of money that Small Business Investment Companies (SBICs) may charge. It substitutes the term "Debenture Rate" for the term "FFB Rate" throughout the regulation.

Timetable:

Action	Date	FR Cite
Final Action	11/04/86	51 FR 4000
Final Action Effective	11/04/86	51 FR 4000

Small Entity: Yes

Agency Contact: John L. Werner, Director, Office of Investment, Small Business Administration, 1441 L Street, N.W., Room 810, Washington, D.C. 20416, 202 653-6584

RIN: 3245-AB18

3375. ● DEBT COLLECTION; INCOME TAX REFUND OFFSET

Legal Authority: 31 USC 3720A

CFR Citation: 13 CFR 140

Legal Deadline: None.

Abstract: Authorizes offset of income tax refund due an individual taxpayer who has a delinquent debt owed to SBA when other collection efforts have failed.

Timetable:

Action	Date	FR Cite
Final Action	11/25/86	51 FR 42547
Final Action Effective	11/25/86	51 FR 42547

Small Entity: No

Agency Contact: Fred Hanus, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 813, Washington, D.C. 20416, 202 653-6900

RIN: 3245-AB21

3376. ● DEREGULATION OF AUTHORITY TO CONDUCT PROGRAM ACTIVITIES IN FIELD OFFICES; CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 101

Legal Deadline: None.

Abstract: Increase the Regional Administrator's authority to approve

applications for Certificates of Competency (COC) from $2,000,000 to $5,000,000 and allow the regional office COC specialists approval authority on COC cases valued less than $250,000.

Timetable:

Action	Date	FR Cite
Final Action	12/08/86	51 FR 44036
Final Action Effective	12/08/86	51 FR 44036

Small Entity: No

Agency Contact: John Whitmore, Director, Office of Industrial Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202 653-6582

RIN: 3245-AB22

3377. ● CERTIFICATE OF COMPETENCY PROGRAM; CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None.

Abstract: This rule adopts as final an interim rule published December 24, 1985, that transferred the monetary limit on the Regional Office's delegated COC authority from 13 CFR 125.5 to the more appropriate section of the regulation 13 CFR 101.3.

Timetable:

Action	Date	FR Cite
Final Action	12/08/86	51 FR 44037
Final Action Effective	12/08/86	51 FR 44037

Small Entity: No

Agency Contact: John Whitmore, Director, Office of Industrial Assistance, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202 653-6582

RIN: 3245-AB24

[FR Doc. 87-6787 Filed 04-24-87; 8:45 am]

BILLING CODE 8025-01-T

federal register

Monday
April 27 1987

Part XL

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has two regulations under development. TVA has also published a proposed rule with regard to a third regulation and a notice of intent with regard to a fourth regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3378. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None.

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Maxwell D. Ramsey, Program Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, Tennessee 37828, **615 632-1585**

RIN: 3316-AA02

3379. ● ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Statutory, October 1988.

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entity: No

Agency Contact: George F. Dilworth, Jr., Manager of Technology Utilization, Tennessee Valley Authority, 400 West Summit Hill Drive, W12 D134 C-K, Knoxville, TN 37902, **615 632-2871**

RIN: 3316-AA05

3380. ● FREEDOM OF INFORMATION ACT; SCHEDULE OF FEES

Significance: Agency Priority

Legal Authority: 5 USC 552

CFR Citation: 18 CFR 1301.2

Legal Deadline: Statutory, April 25, 1987.

Abstract: The planned regulation would implement section 1804(b)(1) of the Freedom of Information Reform Act of 1986 which requires agencies to issue final regulations in conformance with OMB's schedule and guidelines no later than April 25, 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Craven Crowell, Director of Information, Tennessee Valley Authority, 400 West Summit Hill Drive, E12 A4 C-K, Knoxville, TN 37902, **615 632-6315**

RIN: 3316-AA07

TENNESSEE VALLEY AUTHORITY (TVA) — Final Rule Stage

3381. ● PRIVACY ACT OF 1974; EXEMPT SYSTEM OF RECORDS

Significance: Agency Priority

Legal Authority: 5 USC 552a

CFR Citation: 18 CFR 1301.24(d), (New)

Legal Deadline: None.

Abstract: The proposed regulation would exempt a proposed new system of records maintained by the Tennessee Valley Authority's Office of the Inspector General (OIG) for investigations and entitled "OIG Investigative Records - TVA" from subsections (c)(3), (d), (e) (1), (e)(4)(G), (H), and (I) and (F) of 5 USC 552a (section 3 of the Privacy Act). This exemption is required because application of those subsections could alert investigation subjects to the existence or scope of investigations, disclose investigative techniques or procedures, reduce the cooperativeness of witnesses, or otherwise impair investigations.

TVA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/05/86	51 FR 43934
Final Action	03/00/87	

Small Entity: No

Agency Contact: Thomas E. Cressler II, Chief of Research and Analysis Branch, Tennessee Valley Authority, 423 Gay Street, 305 MIB-K, Knoxville, TN 37902, 615 632-2170

RIN: 3316-AA06

[FR Doc. 87-6788 Filed 04-24-87; 8:45 am]

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Monday
April 27 1987

Part XLI

Veterans Administration

Semiannual Regulatory Agenda

VETERANS ADMINISTRATION (VA)

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development, or revision during the 12-month period from April 1987 to April 1988. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: M'Liz McLendon (202) 233-2340.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of Executive Order 12291; however, all of this agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive Order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Bulletin 87-6.

DATED: February 27, 1987.
By direction of the Administrator.
David A. Cox,
Associate Deputy Administrator for Management.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3382	Extensions to Community Nursing Home Care	2900-AB21
3383	Community Residential Care	2900-AB32
3384	Telecaption Television Decoders	2900-AB56
3385	Medical Service in the Philippines	2900-AB57
3386	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
3387	State Home Facilities	2900-AC25
3388	Confidential Quality Assurance Program Records and Documents	2900-AC27
3389	Veterans Administration Health Professional Scholarship Program	2900-AC66
3390	Mental Health Services and Bereavement Counseling	2900-AC68
3391	Contract Medical Care	2900-AC69
3392	Acquisition of Property	2900-AB34
3393	Employee Fiduciaries	2900-AB50
3394	Temporary Program of Vocational Training for Certain New Pension Recipients	2900-AB53
3395	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
3396	Veterans Education; New Education Program for Veterans	2900-AB70
3397	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
3398	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
3399	Investments by Legal Custodians	2900-AB77
3400	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
3401	Eligibility for Employment Services, Employment Handicap, Employment Assistance, Overview of Employment Services	2900-AB89
3402	Interest and Penalties on Untimely Submission of Funding Fees by Lenders	2900-AC03
3403	Increased Coverage for Servicemen's and Veteran's Group Life Insurance	2900-AC06
3404	Computation of Entitlement Under Chapter 31	2900-AC08
3405	Commencing Dates of Subsistence Allowance	2900-AC18
3406	Use of Credit Reports for Refinancing and Rescheduling of VA-Guaranteed Loans and Claim Submissions	2900-AC19
3407	Reduction or Termination Dates of Subsistence Allowance	2900-AC40
3408	Nonduplication - Federal Programs	2900-AC41
3409	Veterans Mortgage Life Insurance - Maximum Amount of Insurance	2900-AC43
3410	National Service Life Insurance - Policy Loans	2900-AC44
3411	Providing an Initial Evaluation for a Veteran not Residing in a State	2900-AC46
3412	Veterans Education; Disenrollment from VEAP and Other Technical Amendments	2900-AC49
3413	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
3414	Removal of Monetary Rates	2900-AC53
3415	Procedural Due Process	2900-AC54
3416	Medical Reports as Informal Claims/Recoupment of Separation Pay	2900-AC55

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3417	Systemic Diseases, et al	2900-AC57
3418	Evaluations for Diplopia (Double Vision)	2900-AC58
3419	Extension of Time Limit for Claims	2900-AC61
3420	Decrease Time Allowed Holder to Start Foreclosure	2900-AC71
3421	Compliance with Civil Rights Provisions	2900-AC72
3422	Training Outside of State Under 38 CFR 21.130	2900-AC73
3423	Amendments to Provisions Barring Duplication of Benefits	2900-AC74
3424	Vocational Rehabilitation Panel	2900-AC75
3425	Veterans Education; Amendments Needed to Implement Pub. L. 99-576	2900-AC76
3426	Veterans Education; Entitlement Charges for Overpayments Under VEAP	2900-AC77
3427	Veteran's Education; Transfer of Entitlement Under 38 USC Ch. 107	2900-AC78
3428	Veterans Education; Nonpunitive Grades	2900-AC80
3429	Veterans Education; Amendments to VEAP Required by Pub. L. 99-576	2900-AC81
3430	Extension of the Independent Living Services Program	2900-AC82
3431	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
3432	Loans to Purchase Manufactured Homes	2900-AC85
3433	VA Home Loan Credit Standards; New SAH Grant	2900-AC90
3434	Appeals Regulations and Rules of Practice- Status of Legal Interns, Law Students and Paralegals	2900-AC11
3435	Appeals Regulations and Rules of Practice - Hearing Date	2900-AC88
3436	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
3437	Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance	2900-AB87
3438	Effect of General Counsel Opinions	2900-AB22
3439	Inventions by Employees of Veterans Administration as Coinventors under Funding Agreements	2900-AB47
3440	Recognition of Organizations, Representatives, Agents, and Attorneys	2900-AC89
3441	Standards Implementing the Program Fraud Civil Remedies Act	2900-AC92
3442	Protection of Archeological Resources	2900-AC26
3443	Revision of Fees for Copies of VA Records	2900-AB18
3444	Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use	2900-AC63
3445	Public Access to Other Reasonably Described Records	2900-AC64
3446	Veterans Administration Acquisition Regulation - Small Business Concerns	2900-AC36
3447	Veterans Administration Acquisition Regulation - Acquisition Planning	2900-AC37
3448	Veterans Administration Acquisition Regulation - Construction and Architect-Engineer Contracts	2900-AC87
3449	Veterans Administration Acquisition Regulations - Buy American Act - Supplies	2900-AC91

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3450	Adult Day Health Care	2900-AB99
3451	Veterans Education; Certifications of Enrollment	2900-AA58
3452	Veterans Education; Foreign Medical Schools	2900-AB09
3453	Definition of Fraud	2900-AC01
3454	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
3455	Veterans Education; Deficiency Course Measurement	2900-AC42
3456	Loan Guaranty: Increase in Value of Security Which Can Be Released Without Prior Approval	2900-AC50
3457	Veterans Education; Approval of Programs Leading to High School Diplomas	2900-AC51
3458	Evidence other than Evidence of Service-Acceptability of Photocopies	2900-AC56
3459	Nomenclature and Descriptive Terms for Mental Disorders	2900-AC60
3460	Certification of Continued Eligibility	2900-AC79
3461	Veterans Administration Board of Contract Appeals -- Procedures for Application for Awards for Fees and Expenses under the Equal Access to Justice Act (5 USC 504)	2900-AC33
3462	Nondiscrimination on the Basis of Sex under Federal Assisted Education Programs and Activities	2900-AB51
3463	Veterans Administration Acquisition Regulation - Competition in Contracting	2900-AC12
3464	Veterans Administration Acquisition Regulation - Specifications	2900-AC38
3465	Veterans Administration Acquisition Regulation - Contract Modifications	2900-AC39
3466	Veterans Administration Acquisition Regulation - Consulting Service	2900-AC86
3467	VA Contracting Officer Certification Program	2900-AC93

VA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3468	Readjustment Counseling and Related Mental Health Services	2900-AB55
3469	Grants to States for Construction and Acquisition of State Home Facilities	2900-AB62
3470	Charges for Care or Medical Services	2900-AB80
3471	Copayments for VA Health Care	2900-AC67
3472	Transportation of Claimants and Beneficiaries	2900-AC70
3473	Accountability for Authorization and Payment of Training and Rehabilitation Services	2900-AB92
3474	Applicant Status, Interrupted Status, Discontinued Status, Duties of the Vocational Rehabilitation Panel	2900-AB93
3475	Veterans Education; Effective Date of Refund Upon Disenrollment From VEAP	2900-AB98
3476	End of Flight Training in VEAP (Post-Vietnam ERA Educational Assistance Program)	2900-AC14
3477	Nonduplication - 38 U.S.C. Chapters 31, 32, 34 and 35	2900-AC16
3478	Veterans Education; Education Loans in Default	2900-AC47
3479	Loan Guaranty: Loans Sold under 38 CFR 36.4600	2900-AC48
3480	Veterans Education; Amendments to the Veterans' Job Training Act	2900-AC62
3481	Appeals Regulations and Rules of Practice	2900-AC09
3482	Standards for Claims Collection Committee on Waivers & Compromises Salary Offset	2900-AC45
3483	Environmental Effects of VA Actions	2900-AB17
3484	Use of Official Mail in the Location and Recovery of Missing Children	2900-AC65
3485	Veterans Administration Acquisition Regulation - Quality Assurance	2900-AC34
3486	Veterans Administration Acquisition Regulation - Administrative Review	2900-AC35

VETERANS ADMINISTRATION (VA)

Proposed Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3382. EXTENSIONS TO COMMUNITY NURSING HOME CARE

Legal Authority: 38 USC 620

CFR Citation: 38 CFR 17.51a

Legal Deadline: None.

Abstract: Existing regulations that permit an extension to an approved 6-month period of Community Nursing Home Care at VA expense are not definitive enough regarding the circumstances of an unusual nature which provide the impetus for granting such extensions. The proposed change will correct that deficiency.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Stuart E. Mount, Medical Administration Program, Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900-AB21

3383. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR 17.51h to 17.51q

Legal Deadline: None.

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: J. R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine & Surgery (181), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3692

RIN: 2900-AB32

3384. TELECAPTION TELEVISION DECODERS

Legal Authority: PL 98-528

CFR Citation: 38 CFR 17.115b; 38 CFR 17.115c

Legal Deadline: None.

Abstract: This law authorizes the VA to furnish assistive devices to overcome the handicap of deafness, including telecaption television decoders, to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment. As for telecaption TV decoders, VA policy previously limited the provision of this device to veterans who suffered an aberrant or morbid mental condition as a result of deafness. The law specifically authorizes the VA to provide this device but limits the provision to profoundly deaf veterans who are entitled to compensation for a hearing impairment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Yes

Agency Contact: Donald N. Babb, Program Analyst, Veterans Administration, Department of Medicine & Surgery (121), 810 Vermont

Ave., NW, Washington, DC 20420, 202 233-2011

RIN: 2900-AB56

3385. MEDICAL SERVICE IN THE PHILIPPINES

Legal Authority: 38 USC 624; 38 USC 632

CFR Citation: 38 CFR 17.30 to 17.40

Legal Deadline: None.

Abstract: These amendments specify for whom hospital, nursing home and intermediate care, and medical services may be provided in the Republic of the Philippines.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900-AB57

3386. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210c

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None.

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Paul Tryhus, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900-AB61

3387. STATE HOME FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 98-528; PL 98-502; PL 99-166; PL 99-576

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: Statutory, April 1, 1987. PL 99-576 requires regulations by April 1, 1987, for according priority to application for Federal assistance in the construction or acquisition of State Home facilities.

Abstract: Proposed revision to existing regulations consolidates Public Laws 98-528, 98-502, 99-166, and 99-576. PL 98-528 provides for the acquisition of facilities for use as State Veterans Home. PL 98-502 requires compliance with the Single Audit Act of 1984 (codified in 38 CFR Part 41). PL 99-166 requires VA to defer applications for construction or acquisition of State Veterans home facilities if by July 1 of the Federal fiscal year in which VA notifies that State of available funds, the State has not provided adequate financial support (matching funds). PL 99-576 requires the VA to accord priority to applications which: (1) have adequate State funds (matching share); (2) States which do not have a State home built or acquired with Federal funds under Title 38 USC 5031 to 5037; (3) need; and (4) other criteria determined appropriate by the Administrator.

Timetable:

Action	Date	FR Cite
NPRM	04/06/87	52 FR 10907
Final Action	06/00/87	

Small Entity: No

Additional Information: 2900-AB62, Grants to States for Construction and Acquisition of State Home Facilities, has been merged with this RIN to satisfy requirements of the public laws listed in the abstract.

Agency Contact: F. Brent Baker, State Home Program Coordinator, Department of Medicine and Surgery (182C), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3854

RIN: 2900-AC25

3388. CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151; 38 USC 4152

CFR Citation: 38 CFR 17, (Revision)

Legal Deadline: None.

Abstract: Final regulations implementing 38 USC 3305 were made effective Oct. 22, 1982. Those regulations govern the VA's QA (quality assurance) program activities and records and documents which are made confidential and privileged. Sec. 3305 prohibits the VA from designating any QA program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. PL 99-166 amends 38 USC 4151 and 4152 to require that QA program activities include an evaluation of the quality of surgical care in DM&S, as evidenced by outcome measures of mortality and morbidity; a report to Congress indicating deficiencies in the quality of care is required. 38 USC 3305 was amended to clarify that aggregate statistical data is not to be made confidential provided individuals are not identified. The definitions and descriptions of the QA program are outdated; unreflective of a systems' approach, and too restrictive to accommodate periodic policy developments or redirections within DM&S. No alternatives are being considered. There are no potential costs to the action. The benefits would be in the form of programmatic improvements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Robert Lubran, Health System Specialist, Department of Medicine and Surgery (10Q), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2600

RIN: 2900-AC27

VA

Proposed Rule Stage

3389. ● VETERANS ADMINISTRATION HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Legal Authority: 38 USC 4141 to 4146

CFR Citation: 38 CFR 17.600

Legal Deadline: None.

Abstract: Current regulations set forth requirements for awarding scholarships to students receiving academic training in medicine, osteopathy, or nursing. Regulations are being amended to include requirements for awarding scholarships to physical therapy students. Proposed regulations also revise duration of service obligation for part-time student participants, and revise time participants have to pay financial obligations incurred for failing to comply with terms of scholarship participation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Gertrude Keough, Director, Health Professional Scholarship, Program, Veterans Administration, Department of Medicine & Surgery (14N), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-5071

RIN: 2900-AC66

3390. ● MENTAL HEALTH SERVICES AND BEREAVEMENT COUNSELING

Legal Authority: 38 USC 601(6)

CFR Citation: 38 CFR 17.60f

Legal Deadline: None.

Abstract: This regulation will amend existing regulations at 38 CFR 17.60(f) in order to implement provisions of P.L. 99-576.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Karen Walters, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2143

RIN: 2900-AC68

3391. ● CONTRACT MEDICAL CARE

Legal Authority: PL 99-576

CFR Citation: 42 CFR 1396cc(a)(1)

Legal Deadline: None.

Abstract: The VA and the Department of Health and Human Services will be proposing to amend applicable regulations to permit the VA to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by the VA are consistent with those made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	05/15/87	
Final Action	07/01/87	

Small Entity: No

Agency Contact: Karen Walters, Chief, Policies and Procedures Division, Medical Administration Service, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2143

RIN: 2900-AC69

DEPARTMENT OF VETERANS BENEFITS

3392. ACQUISITION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 38 USC 210(c); 38 USC 1816(a); PL 98-369, Sec 2512

CFR Citation: 38 CFR 36.4320; 38 CFR 36.4319(f); 38 CFR 36.4321(a); 38 CFR 36.4300

Legal Deadline: None.

Abstract: There are currently no specific regulatory requirements as to when the VA may or may not accept conveyance of a property on which the VA-guaranteed loan securing it has been foreclosed. Pursuant to PL 98-369 the changed regulation will provide formulas and specifically define when the VA may acquire a property. The changed regulations will also clarify establishment of a cut off date for claim computation in cases in which liquidation of a loan is unduly delayed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900-AB34

3393. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None.

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB50

3394. TEMPORARY PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN NEW PENSION RECIPIENTS

Significance: Regulatory Program

Legal Authority: PL 98-543, Sec 301

CFR Citation: 38 CFR 21.6000 series (new)

Legal Deadline: None.

Abstract: The pilot program is directed to evaluating the effectiveness of vocational training and related services in restoring veterans to gainful employment and realizing cost benefits. During the period February 1, 1985, through January 31, 1989, veterans awarded pension may be eligible for up to 24 months or more of vocational training to prepare for and enter

employment. Under this program every veteran under age 50 who begins to receive a pension award on or after February 1, 1985, will participate in a vocational evaluation to be arranged by the VA. Veterans who are age 50 and older and are awarded pension after February 1, 1985, may apply for an evaluation of their ability to profit from vocational training. Vocational training for up to 24 months or more and up to 18 months of employment services will be provided for program participants. A veteran will continue to receive pension during the period of training and employment services. Pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to pension.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AB53

3395. RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

Legal Authority: 10 USC 2131 et seq

CFR Citation: 38 CFR 21

Legal Deadline: None.

Abstract: A new education program for members of the Selected Reserve has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AB69

3396. VETERANS EDUCATION; NEW EDUCATION PROGRAM FOR VETERANS

Legal Authority: 38 USC 1401 et seq

CFR Citation: 38 CFR 21

Legal Deadline: None.

Abstract: A new education program for veterans and service members has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AB70

3397. 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None.

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB75

3398. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None.

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB76

3399. INVESTMENTS BY LEGAL CUSTODIANS

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.103

Legal Deadline: None.

Abstract: The regulation gives Federally appointed legal custodian fiduciaries authority to invest surplus VA funds in savings bonds, or interest or dividend-paying accounts in State or Federally insured institutions. The intended regulation will give authority for investments in pre-need burial plans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB77

3400. 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

Legal Authority: 38 USC 3203(b)(1); PL 98-543, Sec 402

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

Legal Deadline: None.

Abstract: 38 CFR 13.108 defines the VSO's action and responsibility when a veteran is subject to discontinuance of payments under 38 USC 3203(b)(1). The intended change simplifies the title, updates the language of subsection (a) and further defines the VSO responsibilities regarding waiver of discontinuance under PL 98-543.

38 CFR 13.109 defines estate for purposes of the $1,500 limitation. The intended change further defines assets and incorporates two new exclusions on the basis of PL 98-543 and an unpublished General Counsel's opinion.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AB78

3401. ELIGIBILITY FOR EMPLOYMENT SERVICES, EMPLOYMENT HANDICAP, EMPLOYMENT ASSISTANCE, OVERVIEW OF EMPLOYMENT SERVICES

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Legal Deadline: None.

Abstract: The VA has determined that employment assistance may be provided a veteran eligible for chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AB89

3402. INTEREST AND PENALTIES ON UNTIMELY SUBMISSION OF FUNDING FEES BY LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36

Legal Deadline: None.

Abstract: Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982 (38 U.S.C. 1829) establishes that a funding fee will be collected on VA loans but the law does not establish any time limits within which it must be paid to the VA. Current VA Loan Guaranty procedures allow lenders up to 60 days from the loan closing date to remit loan funding fees and this delay in their collection and deposit has resulted in a significant amount of potential interest lost to the Federal government. The proposed regulation would require lenders to submit the fees to the VA within a 15 day period from the loan closing date and would implement penalty charges and interest assessments on delinquent submissions. Adoption of this regulation should improve collection timeliness and result in the collection of the interest income that is currently being lost as well as income from interest and penalty charges.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC03

3403. INCREASED COVERAGE FOR SERVICEMEN'S AND VETERAN'S GROUP LIFE INSURANCE

Legal Authority: 38 USC 767; 38 USC 777; PL 99-166, Sec 401

CFR Citation: 38 CFR 9.1 to 9.8, (Revision); 38 CFR 9.16, (Revision); 38 CFR 9.22, (Revision); 38 CFR 9.27, (Revision); 38 CFR 9.36, (Revision)

Legal Deadline: None.

Abstract: Section 401 of PL 99-166 increases the maximum amount of coverage available under the Servicemen's and Veteran's Group Life Insurance programs to $50,000. It also extends eligibility for Veteran's Group Life Insurance to members of the Individual Ready Reserves and Inactive National Guard. Regulations are being amended to reflect these changes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Department of Veterans Benefits (29), Veterans Administration, Veterans Administration Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AC06

3404. COMPUTATION OF ENTITLEMENT UNDER CHAPTER 31

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None.

Abstract: To establish a specific method for determining entitlement changes under chapter 31. In view of

the number of education and training programs now authorized under title 38, a specific statement of chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC08

3405. COMMENCING DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508

CFR Citation: 38 CFR 21.322

Legal Deadline: None.

Abstract: The regulation is being revised to specify that payment for dependents may not be made earlier than the date of the dependent's existence in those cases in which dependency benefits are to be paid after the veteran enters or reenters the rehabilitation program. This represents a clarification of current policy, rather than a change in policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC18

3406. USE OF CREDIT REPORTS FOR REFINANCING AND RESCHEDULING OF VA-GUARANTEED LOANS AND CLAIM SUBMISSIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4200; 38 CFR 36.4300

Legal Deadline: None.

Abstract: OMB Circular A-129 requires agencies managing Federal credit programs to obtain credit reports for all new applicants, when refinancing, and when loans are rescheduled in order to verify the information presented in the application. The circular further provides that rescheduling or reamortization shall be permitted only when it is in the best interest of the Government and where the agency has determined that recovery of all or a portion of the amount owed is reasonably assured. Credit reports must also be required in connection with claims on defaulted guaranteed loans to facilitate agency determinations of the next collection steps to be pursued. These revisions will enable VA to better determine whether a proposed loan reamortization is in the best interest of the government and will facilitate improvements in debt collection practices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC19

3407. REDUCTION OR TERMINATION DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508

CFR Citation: 38 CFR 21.324

Legal Deadline: None.

Abstract: Compliance with civil rights provisions now require that payment of benefits be terminated upon a finding that the veteran is attending a facility which has been found in non-compliance with applicable provisions of Part 18, 38 CFR Nondiscrimination in Federally Assisted Programs of the Veterans Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC40

3408. NONDUPLICATION - FEDERAL PROGRAMS

Legal Authority: 38 USC 1508(f)

CFR Citation: 38 CFR 21.22; 38 CFR 21.264

Legal Deadline: None.

Abstract: A veteran eligible for assistance under the vocational rehabilitation program (chapter 31, title 38 USC) and under the all volunteer force educational assistance program (chapter 30, title 38 USC) may elect to pursue a program of education under chapter 30 as a part of a vocational rehabilitation program under chapter 31. A veteran making such an election would only receive benefits otherwise payable under chapter 30.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC41

3409. VETERANS MORTGAGE LIFE INSURANCE - MAXIMUM AMOUNT OF INSURANCE

Legal Authority: 38 USC 806

CFR Citation: 38 CFR 8a.2,(Revision); 38 CFR 8a.3,(Revision); 38 CFR 8a.4,(Revision)

Legal Deadline: None.

Abstract: These regulations are being revised to allow veterans insured under the Veterans' Mortgage Life Insurance program to again be eligible for full coverage up to the $40,000 statutory limit upon the sale of the insured's existing dwelling unit. Eligibility will not be reinstated where an existing dwelling unit is being remortgaged or refinanced.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AC43

3410. NATIONAL SERVICE LIFE INSURANCE - POLICY LOANS

Legal Authority: 38 USC 706

CFR Citation: 38 CFR 8.28, (Revision)

Legal Deadline: None.

Abstract: Under current regulations, National Service Life Insurance (NSLI) policy loans are issued with fixed interest rates, which may not be increased for the duration of the loans. This amendment would provide for the issuance of new NSLI policy loans with interest rates which may be periodically adjusted as determined to be reasonable and practicable. Notice of the prevailing variable interest rate will be provided directly to borrowers and interested parties, and the current practice of amending the loan regulation for each rate change will be discontinued. This amendment will allow the policy loan rate to keep pace with current economic conditions. United States Government Life Insurance policy loans and existing NSLI policy loans would not be affected by this amendment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Paul F. Koons, Assistant Director for Insurance, Veterans Administration, Department of Veterans Benefits (29), P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900-AC44

3411. PROVIDING AN INITIAL EVALUATION FOR A VETERAN NOT RESIDING IN A STATE

Legal Authority: 38 USC 111; 38 USC 1506

CFR Citation: 38 CFR 21.100; 38 CFR 21.376

Legal Deadline: None.

Abstract: An initial evaluation is provided each veteran requesting assistance under the vocational rehabilitation program. The purpose of the initial evaluation is to determine eligibility and entitlement to vocational rehabilitation and plan a program of vocational rehabilitation for eligible veterans. The initial evaluation is provided by VA counseling psychologists in the United States. Since interpersonal discussion is the essence of counseling, providing an initial evaluation to a veteran residing overseas by a VA counselor located in this country poses logistical and other problems. We are proposing that current regulations be amended to allow for greater flexibility in providing initial evaluations to veterans not residing in a state, including those veterans residing overseas. The alternatives to the present system include, but are not limited to contracting with qualified counseling staff located in the area in which the veteran resides, to conduct a part of the evaluation. All decisions as to eligibility for services would continue to be made by VA staff.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC46

3412. VETERANS EDUCATION; DISENROLLMENT FROM VEAP AND OTHER TECHNICAL AMENDMENTS

Legal Authority: 38 USC 1621

CFR Citation: 38 CFR 21.5001; 38 CFR 21.5052; 38 CFR 21.5062; 38 CFR 21.5130; 38 CFR 21.5131

Legal Deadline: None.

Abstract: The VA wishes to permit a veteran who has received a refund of his or her VEAP contributions to retain his or her eligibility if the refund check is returned to the VA. The current regulations do not permit this.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC49

3413. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None.

Abstract: The VA is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which the VA administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way the VA is implementing this Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC52

3414. REMOVAL OF MONETARY RATES

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.23; 38 CFR 3.24; 38 CFR 3.25; 38 CFR 3.26; 38 CFR 3.27; 38 CFR 3.28; 38 CFR 3.262; 38 CFR 3.802; 38 CFR 3.1600; 38 CFR 3.1601; 38 CFR 3.1604; 38 CFR 3.1612

Legal Deadline: None.

Abstract: These changes remove actual monetary rates from the regulations and replace them with statutory citations or standardized computation methods. This will eliminate the need for regulatory amendment each time there is a legislative rate change or a change in a computation variable like the Consumer Price Index. Actual monetary rates will still be published as notices in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC53

3415. PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Legal Deadline: None.

Abstract: These changes expand the procedural due process provided to beneficiaries, especially when benefits are proposed to be reduced or terminated. There is also a clarification of the effective date rule applicable to liberalizing laws or administrative issues.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC54

3416. MEDICAL REPORTS AS INFORMAL CLAIMS/RECOUPMENT OF SEPARATION PAY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.157; 38 CFR 3.700

Legal Deadline: None.

Abstract: These changes clarify when medical reports from VA Medical Centers may be considered informal claims and also clarify withholding of benefits to recoup separation pay received from the military.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3286
NPRM Comment Period End	03/03/87	
Final Action	08/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC55

3417. SYSTEMIC DISEASES, ET AL

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.16; 38 CFR 4.29; 38 CFR 4.30; 38 CFR 4.88a

Legal Deadline: None.

Abstract: These changes clarify temporary total disability awards based on hospitalization, unemployability ratings in psychiatric cases, and provide new schedules for rating numerous systemic diseases including acquired immune deficiency syndrome (AIDS).

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC57

3418. EVALUATIONS FOR DIPLOPIA (DOUBLE VISION)

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.77; 38 CFR 4.86a

Legal Deadline: None.

Abstract: The present rating schedule for double vision is based on use of the Motor Field Chart which is an outdated testing method. This change provides a method for evaluating double vision based on the current testing method using the Goldmann Perimeter.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC58

3419. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None.

Abstract: Current provisions for filing claims or evidence in support of claims preclude the extension of the period for filing even if the agency fails to inform the veteran of limitations on the period. It has been held that this policy is in violation of due process. We are proposing to amend the regulations to allow for extension of the time period for filing a claim or filing supporting evidence of a claim when the agency fails to inform the veteran of such limitations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Regabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC61

3420. ● DECREASE TIME ALLOWED HOLDER TO START FORECLOSURE

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36.4319(f)

Legal Deadline: None.

Abstract: Upon written request from the Administrator, a holder of a loan in default must begin foreclosure action

within two months and must prosecute such action with reasonable diligence. The regulation will be amended to require action within 30 days after written request from the Administrator.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: Raymond L. Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits (261), 810 Vermont Avenue NW, Washington, DC 20420, 202 233-3668

RIN: 2900-AC71

3421. ● COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None.

Abstract: Compliance with civil rights provisions require that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in non-compliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Veterans Administration. We propose to amend 38 CFR 21.324 to reflect this new requirement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-5449

RIN: 2900-AC72

3422. ● TRAINING OUTSIDE OF STATE UNDER 38 CFR 21.130

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None.

Abstract: The Veterans Administration proposes to limit training outside a state to those cases in which the veteran's rehabilitation program stipulates that the veteran will use the training provided to obtain employment within a state. This amendment is a clarification which codifies existing policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC73

3423. ● AMENDMENTS TO PROVISIONS BARRING DUPLICATION OF BENEFITS

Legal Authority: PL 99-576; 38 USC 1781

CFR Citation: 38 CFR 21.21

Legal Deadline: None.

Abstract: Public Law 99-576 bars provision of benefits under the vocational rehabilitation program and another education program administered by the VA. This change is effective October 28, 1986. Prior policy allowed a veteran to receive benefits under two programs under certain conditions. This section is revised to reflect both changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Additional Information: This proposed regulation now reflects RIN 2900-AC16 which has been withdrawn.

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC74

3424. ● VOCATIONAL REHABILITATION PANEL

Legal Authority: 38 USC 1504(a)

CFR Citation: 38 CFR 21.62; 38 CFR 21.53; 38 CFR 21.198

Legal Deadline: None.

Abstract: The VA reviews all cases in which findings of infeasibility for vocational rehabilitation or termination of rehabilitation programs is being considered for seriously disabled veterans. These reviews are currently conducted by the Vocational Rehabilitation Panel, a multidisciplinary advisory group. The Panel forwards its recommendations to the counseling psychologist who may accept or reject these recommendations. The VA proposes to reassign this review responsibility to the Vocational Rehabilitation and Counseling Officer, the counseling psychologist's immediate supervisor. Program experience indicates that this change will improve program administration and maintain quality of service for seriously disabled veterans.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (226), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC75

3425. ● VETERANS EDUCATION; AMENDMENTS NEEDED TO IMPLEMENT PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.3046; 38 CFR 21.4022; 38 CFR 21.4100; 38 CFR 21.4101; 38 CFR 21.4102; 38 CFR 21.4104; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4138; 38 CFR 21.4230; 38 CFR 21.4231; 38 CFR 21.4232; 38 CFR 21.4233; ...

Legal Deadline: None.

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the administration of Dependents' Educational Assistance and benefits provided under the Vietnam Era GI Bill. The most important provisions include a change to the way in which the VA must measure certain courses which do not lead to a standard college degree; a change in the way the eligibility period is determined for some spouses eligible

to receive Dependents' Educational Assistance; and a change to the provision governing receipt of benefits under the Vietnam Era GI Bill and other education programs administered by the VA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC76

3426. ● VETERANS EDUCATION; ENTITLEMENT CHARGES FOR OVERPAYMENTS UNDER VEAP

Legal Authority: 38 USC 1631

CFR Citation: 38 CFR 21.5076

Legal Deadline: None.

Abstract: Interest, administrative costs of collection, court costs, and marshal fees are now being charged on overpayments of educational assistance allowance. At times a veteran will discharge such a debt in bankruptcy, or the debt will be waived or compromised. This proposal would amend the pertinent section of the Code of Federal Regulations to provide that when any of these actions occurs with regard to a debt incurred under VEAP (the Post-Vietnam Era Veterans Educational Assistance Program), an unrecovered portion of interest, administrative costs of collection, court costs marshal fees will not result in a charge against a veteran's entitlement to educational assistance allowance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC77

3427. ● VETERAN'S EDUCATION; TRANSFER OF ENTITLEMENT UNDER 38 USC CH. 107

Legal Authority: PL 99-145

CFR Citation: 38 CFR 21.5743

Legal Deadline: None.

Abstract: The Department of Defense Authorization Act, 1986 contains a provision which affects some people who are eligible to receive educational assistance and subsistence allowance under the Educational Assistance Test Program. This provision makes it easier for some members or veterans of the Navy or Marine Corps to transfer their educational entitlement to their dependents. This proposal will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC78

3428. ● VETERANS EDUCATION; NONPUNITIVE GRADES

Legal Authority: 38 USC 1780

CFR Citation: 38 CFR 21.4135

Legal Deadline: None.

Abstract: A veteran's award of educational assistance allowance must be reduced when he or she withdraws from a course or when he or she receives a nonpunitive grade for a course. Regulations exist for determining the effective date of the reduction. Some readers of the regulations have been uncertain as to which of the pertinent regulations apply when a veteran withdraws from a course and, as a result of that withdrawal, receives a nonpunitive grade for it. This proposal will eliminate this problem.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: June Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC80

3429. ● VETERANS EDUCATION; AMENDMENTS TO VEAP REQUIRED BY PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5030; 38 CFR 21.5041; 38 CFR 21.5052; 38 CFR 21.5064; 38 CFR 21.5100; 38 CFR 21.5131; 38 CFR 21.5138; 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5042; 38 CFR 21.5054; 38 CFR 21.5072; 38 CFR 21.5132; 38 CFR 21.5145

Legal Deadline: None.

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect VEAP (Post-Vietnam Era Veterans' Educational Assistant Program). The most important changes include provision of apprenticeship and other on-job training in this program; extension of the veteran's period of eligibility if he or she is disabled during the eligibility period; and closing of VEAP to new enrollments. This proposal will implement the law.

Timetable:

Action	Date	FR Cite
NPRM	07/00/87	

Small Entity: Yes

Agency Contact: June Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC81

3430. ● EXTENSION OF THE INDEPENDENT LIVING SERVICES PROGRAM

Legal Authority: 38 USC 1520; PL 99-576

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294

Legal Deadline: None.

Abstract: The program of independent living services has been extended through FY 89. The current rules governing this program are amended to incorporate the statutory extension of the program, and make other changes to simplify and improve program

administration. These proposed changes reflect, in part, reductions in reporting requirements previously required under the law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: No

Agency Contact: Morris Triestman, Rehabilitation Consultant, Policy and Program Development, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2886

RIN: 2900-AC82

3431. ● SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None.

Abstract: Present regulations authorize the Administrator to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Administrator to have engaged in contracts of sale or methods or practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	09/00/87	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC83

3432. ● LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None.

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC85

3433. ● VA HOME LOAN CREDIT STANDARDS; NEW SAH GRANT

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq.; 38 CFR 4300 et seq.; 38 CFR 4400 et seq.

Legal Deadline: None.

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that VA home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900-AC90

BOARD OF VETERANS APPEALS

3434. APPEALS REGULATIONS AND RULES OF PRACTICE- STATUS OF LEGAL INTERNS, LAW STUDENTS AND PARALEGALS

Legal Authority: 38 USC 3401; 38 USC 3404; 38 USC 4005(b)(2)

CFR Citation: 38 CFR 19.152, (Revision)

Legal Deadline: None.

Abstract: The regulation will be amended to clarify the status of attorneys to be employed by service organizations and to allow legal interns, law students and paralegals to work with these attorneys who are presenting appeals in any capacity.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900-AC11

3435. ● APPEALS REGULATIONS AND RULES OF PRACTICE - HEARING DATE

Legal Authority: 38 USC 4002; 38 USC 4005A

CFR Citation: 38 CFR 19.159, (Revision)

Legal Deadline: None.

Abstract: This regulation will be revised to provide an appellant or representative a 60-day period in which to reschedule a hearing date. The revision will remedy scheduling conflicts created by multiple requests for a change of hearing date from the same appellant and/or representative, without abridging the appellant's right to due process.

Timetable:

Action	Date	FR Cite
NPRM	08/00/87	

Small Entity: No

Agency Contact: Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals (01C), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900-AC88

EQUAL OPPORTUNITY STAFF

3436. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 15

Legal Deadline: None.

Abstract: Provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, as it applies to programs or activities conducted by the VA. Section 504 prohibits discrimination on the basis of handicap. There is no other alternative to the issuance of this regulation since it implements a legislative mandate. Qualified handicapped individuals will be assured of equal participation in programs or activities conducted by the VA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Linda Lynn Batts, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900-AA87

3437. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.426, App. A

Legal Deadline: None.

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	04/30/87	

Small Entity: No

Agency Contact: Linda Lynn Batts, Equal Employment Specialist, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900-AB87

OFFICE OF THE GENERAL COUNSEL

3438. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507

Legal Deadline: None.

Abstract: Clarifies the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2440

RIN: 2900-AB22

3439. INVENTIONS BY EMPLOYEES OF VETERANS ADMINISTRATION AS COINVENTORS UNDER FUNDING AGREEMENTS

Legal Authority: 35 USC 200 to 207

CFR Citation: 38 CFR 1.635 to 1.643

Legal Deadline: None.

Abstract: Under affiliation agreements between VA Medical Centers and local colleges or universities, VA employees and university employees are sometimes coinventors. Universities have requested the VA to assign its interest in any such inventions to the university. Pub. L. No. 96-517 authorizes the VA to so assign its interest in certain circumstances, provided the invention was made under a funding agreement between the agency and the coinventing entity. These regulations will set forth the procedure and criteria for determination of patent right ownership in these situations. No costs will be imposed on the public. The public will benefit from consolidation of patent rights on one entity because this facilitates licensing and marketing of the invention, and thereby makes the invention available for public use.

Timetable:

Action	Date	FR Cite
Awaiting DOC action	00/00/00	

Small Entity: No

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel, Veterans Administration, Office of General Counsel (024B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3651

RIN: 2900-AB47

3440. ● RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3401 to 3404

CFR Citation: 38 CFR 14.627 to 14.637

Legal Deadline: None.

Abstract: This proposal includes definitions; requirements for recognition of organizations by the VA;

requirements for recognition of representatives, agents, and attorneys; powers of attorney; use of paralegals, law clerks, and law students; and requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8472
Final Action	08/00/87	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel (022A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2440

RIN: 2900-AC89

3441. ● STANDARDS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509 6101-6104, 100 Stat. 1874

CFR Citation: 38 CFR 42

Legal Deadline: Statutory, April 21, 1987.

Abstract: These regulations would implement the Program Fraud Civil Remedies Act, which the Veterans Administration must promulgate by April 21, 1987. The regulations would permit VA to bring administrative proceedings against persons who knowingly make, present, or submit a false claim or statement against the Agency under $150,000 in value. VA could, under the regulations, recover up to twice the amount of the false claim or statement plus impose a civil penalty or up to $5,000 for each separate false claim. The regulations would proscribe specific procedures when VA receives allegations of a false claim: an investigation by the VA Inspector General, a review of the investigation by the General Counsel or designee, referral to the Attorney General, and action by the reviewing official if approved by the Attorney General. The person found liable could request a hearing before an Administrative Law Judge with all the due process protections under the Administrative Procedure Act. The person could appeal to the VA Administrator and then to the U.S. District Court. All penalties or assessments could be set off against (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: any amount due the person liable from the Government, except Federal tax refunds. All recoveries would be deposited in the U.S. Treasury.

Agency Contact: Audley Hendricks, Assistant General Counsel, Office of General Counsel (023), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3671

RIN: 2900-AC92

OFFICE OF FACILITIES

3442. PROTECTION OF ARCHEOLOGICAL RESOURCES

Legal Authority: 16 USC 470ii Archeological Resources Protection Act

CFR Citation: 38 CFR 27

Legal Deadline: None.

Abstract: The Act requires that Federal land managers promulgate rules and regulations consistent with Uniform Regulations as may be appropriate to carry out his/her function and authorities under the Act to protect archeological resources on Federal lands. This rule making will enable the VA to protect archeological resources on VA-managed public lands by issuing permits for authorized excavations and/or removal of archeological resources, by imposing civil penalties for unauthorized excavation, removal, alteration, damage or defacement of archeological resources, by providing for the preservation of archeological collections and data, and by ensuring confidentiality of information about archeological resources when disclosure would threaten the resources.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Affected Sectors: None

Agency Contact: Gjore J. Mollenhoff, Historic Preservation Officer, Veterans Administration, Office of Facilities (08A1), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3447

RIN: 2900-AC26

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

3443. REVISION OF FEES FOR COPIES OF VA RECORDS

Legal Authority: 38 USC 3302; 5 USC 552(a)(4)(A); 5 USC 552a(f)(5)

CFR Citation: 38 CFR 1.526; 38 CFR 1.555; 38 CFR 1.577(f)

Legal Deadline: None.

Abstract: Revises VA fee schedules currently in effect for the Privacy Act, the Freedom of Information Act, and 38 U.S.C. Sec 3301 to remove inconsistencies and establish a comprehensive uniform fee schedule. The alternative would be to leave the regulations unchanged. This would result in continued confusion in their application and loss of revenue to the Government since an increase in the fees is contemplated. There is no increased cost to the Government due to these changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Donald R. Howell, Management Analyst, Veterans Administration, Office of Info. Mgmt. & Statistics (733), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3648

RIN: 2900-AB18

3444. ● RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None.

Abstract: The VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and

concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow the VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA name and address lists of veterans/ dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/ dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
Final Action	00/00/00	

Small Entity: No

Agency Contact: LaVerne Butler, Management Analyst (723B), Veterans Administration, Office of Information Mgmt. & Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2545

RIN: 2900-AC63

3445. ● PUBLIC ACCESS TO OTHER REASONABLY DESCRIBED RECORDS

Legal Authority: 38 USC 552(a)(3)

CFR Citation: 39 CFR I.553

Legal Deadline: None.

Abstract: 38 CFR 1.553 requires the VA to process all requests for records (other than those requests subject to other specific disclosure statutes) under the Freedom of Information Act (FOIA). It has been determined that the existing regulation is too broad in scope and needs to be changed to allow the agency to respond to certain requests for records or information without complying with VA's FOIA regulations. The change will permit the agency to respond more promptly to requests from new media as well as other requests under appropriate circumstances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Donald R. Howell, Management Analyst, Records Management Division (733), Veterans Administration, Office of Information Mgmt. and Statistics, 810 Vermont Avenue NW, Washington, DC 20420, 202 233-3648

RIN: 2900-AC64

OFFICE OF PROCUREMENT AND SUPPLY

3446. VETERANS ADMINISTRATION ACQUISITION REGULATION - SMALL BUSINESS CONCERNS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 819, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation provides guidance to contracting offices so they can submit appeals when the Small Business Administration makes a decision to issue a Certificate of Competency (COC) to a small business. Also, the regulation is being revised to show the VA's intent to give the Vietnam era and disabled veterans-owned firms every opportunity to participate in the acquisition process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	

Small Entity: Yes

Agency Contact: Thomas A. Hamilton, Supply Management Representative, Veterans Administration, Office of Procurement and Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC36

3447. VETERANS ADMINISTRATION ACQUISITION REGULATION - ACQUISITION PLANNING

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 807, (Revision); 48 CFR 852, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation provides coverage regarding contracting aspects of OMB Circular A-76 cost comparison.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Chris A. Figg, Chief, Policy Division, Veterans Administration, Office of Procurement & Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC37

3448. ● VETERANS ADMINISTRATION ACQUISITION REGULATION - CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836

Legal Deadline: None.

Abstract: This proposed Veterans Administration regulation will provide coverage for contractors to have title for materials stored on and off site.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Marsh J. Grogan, Supply Management Representative, Veterans Administration, Office of Procurement & Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC87

3449. ● VETERANS ADMINISTRATION ACQUISITION REGULATIONS - BUY AMERICAN ACT - SUPPLIES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 825, (Revision)

Legal Deadline: None.

Abstract: This proposed Veterans Administration Acquisition Regulation will add human insulin to the list of supplies exempt from the Buy American Act.

Timetable:

Action	Date	FR Cite
NPRM	03/06/87	52 FR 6993
Final Action	07/00/87	

Small Entity: Yes

Agency Contact: Marsha J. Grogan, Supply Management Representative, Veterans Administration, Office of Procurement & Supply (91A), 810

VA — Proposed Rule Stage

Vermont Avenue, NW, Washington, DC 20420, **202 233-2334**

RIN: 2900-AC91

VETERANS ADMINISTRATION (VA) — Final Rule Stage

DEPARTMENT OF MEDICINE AND SURGERY

3450. ADULT DAY HEALTH CARE

Significance: Agency Priority

Legal Authority: 38 USC 620a

CFR Citation: 38 CFR 17.51c to 17.51q

Legal Deadline: None.

Abstract: The VA plans to contract for adult day health care services. Standards for care safety criteria and eligibility criteria must be established before contracts can be negotiated.

Timetable:

Action	Date	FR Cite
NPRM	07/18/86	51 FR 26027
NPRM Comment Period End	08/18/86	
Final Action	04/00/87	

Small Entity: No

Agency Contact: James R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine and Surgery (181), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3692**

RIN: 2900-AB99

DEPARTMENT OF VETERANS BENEFITS

3451. VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Legal Deadline: None.

Abstract: Limits certifications of enrollment to one term, quarter or semester at a time. This will prevent overpayments which the VA is making because of late reports of reductions or terminations in training. It's anticipated that the VA will withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30151
NPRM Comment Period End	08/01/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: June Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AA58

3452. VETERANS EDUCATION; FOREIGN MEDICAL SCHOOLS

Legal Authority: 38 USC 1676

CFR Citation: 38 CFR 21.4260

Legal Deadline: None.

Abstract: Provides additional criteria a foreign medical school must meet before a veteran's enrollment in the school's courses may be approved. The Veterans Administration is considering whether to require a foreign medical school to meet all or some of the criteria it must meet in order to participate in the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32667
NPRM Comment Period End	10/15/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900-AB09

3453. DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1(aa), New; 38 CFR 3.901

Legal Deadline: None.

Abstract: The definition of fraud for veterans' benefits purposes is being placed in the general definitions section and is being amended to include acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information.

Timetable:

Action	Date	FR Cite
NPRM	11/18/86	51 FR 41644
NPRM Comment Period End	12/17/86	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900-AC01

3454. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None.

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an

institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The VA, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: State

Agency Contact: William Saliski, Program Analyst, Veterans Administration, Department of Veterans Benefits (273), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3643

RIN: 2900-AC10

3455. VETERANS EDUCATION; DEFICIENCY COURSE MEASUREMENT

Legal Authority: 38 USC 1661; 38 USC 1677(b); 38 USC 1691

CFR Citation: 38 CFR 21.1045

Legal Deadline: None.

Abstract: Current regulations do not state how to charge entitlement when a veteran or eligible person is pursuing some courses for which entitlement is charged concurrently with refresher, remedial or deficiency courses for which no charge is made against entitlement. This has led to confusion as to how entitlement should be charged in such situations. This proposal will eliminate this confusion.

Timetable:

Action	Date	FR Cite
NPRM	09/05/86	51 FR 31782
NPRM Comment Period End	10/06/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC42

3456. LOAN GUARANTY: INCREASE IN VALUE OF SECURITY WHICH CAN BE RELEASED WITHOUT PRIOR APPROVAL

Legal Authority: 38 USC 210(c); 38 USC 1820

CFR Citation: 38 CFR 36.4324(a)

Legal Deadline: None.

Abstract: 38 CFR 36.4324(a) was last amended on May 20, 1970, to increase from $300 to $500 the value of property securing a VA-guaranteed loan that may be released by the holder without VA prior approval. Due to increases in property values, it is proposed to increase the allowed value from $500 to $2500. An example of an instance in which partial release is necessary is a highway widening project.

Timetable:

Action	Date	FR Cite
NPRM	11/19/86	51 FR 41808
NPRM Comment Period End	12/22/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Raymond L. Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits(261), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900-AC50

3457. VETERANS EDUCATION; APPROVAL OF PROGRAMS LEADING TO HIGH SCHOOL DIPLOMAS

Legal Authority: 38 USC 1671

CFR Citation: 38 CFR 21.4230

Legal Deadline: None.

Abstract: The law prevents the VA from paying educational assistance allowance under the Vietnam Era GI Bill to veterans who already have a high school diploma if they wish to pursue the courses needed for a second high school diploma. Some questions have arisen as to whether someone who has a secondary school diploma awarded by a school located in a foreign country may receive benefits while pursuing another one in the United States. This proposal makes clear that such a person may not be paid benefits.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26914
NPRM Comment Period End	08/27/86	
Final Action	05/00/87	

Small Entity: No

Agency Contact: June C. Schaeffer, Assistant Director for Educational Policy, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900-AC51

3458. EVIDENCE OTHER THAN EVIDENCE OF SERVICE-ACCEPTABILITY OF PHOTOCOPIES

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.202; 38 CFR 3.204

Legal Deadline: None.

Abstract: This change expands the sources of acceptable certification of documentary evidence relating to birth, death, marital status and relationship to include documents certified by accredited representatives and certain military and school officials.

Timetable:

Action	Date	FR Cite
NPRM	10/07/86	51 FR 35667
NPRM Comment Period End	11/05/86	
Final Action	06/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC56

3459. NOMENCLATURE AND DESCRIPTIVE TERMS FOR MENTAL DISORDERS

Legal Authority: 38 USC 355

VA

Final Rule Stage

CFR Citation: 38 CFR 4.125; 38 CFR 4.126; 38 CFR 4.127; 38 CFR 4.128; 38 CFR 4.129; 38 CFR 4.130; 38 CFR 4.131; 38 CFR 4.132

Legal Deadline: None.

Abstract: These changes are designed to promote uniformity in the terminology used to describe various levels of disability for mental disorders and to conform the diagnostic nomenclature to that used in the last edition of the American Psychiatric Association's Diagnostic and Statistical Manual.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16350
NPRM Comment Period End	06/02/86	51 FR 16350
Final Action	08/00/87	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC60

3460. ● CERTIFICATION OF CONTINUED ELIGIBILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.500(v); 38 CFR 3.652

Legal Deadline: None.

Abstract: This change provides the VA broader regulatory authority to require beneficiaries to certify, when requested, the continued existence of any or all eligibility factors which established entitlement to benefits being paid.

Timetable:

Action	Date	FR Cite
NPRM	01/23/87	52 FR 2559
NPRM Comment Period End	02/23/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900-AC79

BOARD OF CONTRACT APPEALS/CONTRACT APPEALS BOARD

3461. VETERANS ADMINISTRATION BOARD OF CONTRACT APPEALS -- PROCEDURES FOR APPLICATION FOR AWARDS FOR FEES AND EXPENSES UNDER THE EQUAL ACCESS TO JUSTICE ACT (5 USC 504)

Legal Authority: 5 USC 504 The Equal Access to Justice Act; PL 99-80

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None.

Abstract: The Equal Access to Justice Act provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to appeals before the Board of Contract Appeals. An eligible party may receive an award when it prevails over the Government, unless the Government's position was substantially justified or special circumstances make an award unjust. This document describes the standards for eligibility and the procedures for application and processing by the Board.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Federal

Agency Contact: Sally Pfund, Legal Assistant, Veterans Administration, Board of Contract Appeals (09), 810 Vermont Avenue, NW, Washington, DC 20420, 202 275-0430

RIN: 2900-AC33

EQUAL OPPORTUNITY STAFF

3462. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERAL ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250

CFR Citation: 38 CFR 18

Legal Deadline: None.

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

Timetable:

Action	Date	FR Cite
NPRM	04/25/79	44 FR 24320
NPRM Comment Period End	05/25/79	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Linda Lynn Batts, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (06A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900-AB51

OFFICE OF PROCUREMENT AND SUPPLY

3463. VETERANS ADMINISTRATION ACQUISITION REGULATION - COMPETITION IN CONTRACTING

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 802, (Revision); 48 CFR 805, (Revision); 48 CFR 806, (Revision); 48 CFR 813, (Revision); 48 CFR 814, (Revision); 48 CFR 815, (Revision); 48 CFR 833, (Revision); 48 CFR 852, (Revision); 48 CFR 819, (Revision); 48 CFR 836, (Revision); 48 CFR 842, (Revision); 48 CFR 801, (Revision); 48 CFR 808, (Revision)

Legal Deadline: None.

Abstract: The Veterans Administration will be issuing a final rule to implement the CICA (Competition in Contracting Act).

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/25/86	51 FR 23065
NPRM Comment Period End	08/25/86	
Final Action	06/00/87	

Small Entity: Yes

Agency Contact: Chris A. Figg, Chief, Policy Division, Veterans Administration, Office of Procurement & Supply (91), 810 Vermont Avenue,

VA

Final Rule Stage

NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC12

3464. VETERANS ADMINISTRATION ACQUISITION REGULATION - SPECIFICATIONS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 810, (New); 48 CFR 836, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation is a new part and provides guidance on the use of specifications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/87	52 FR 280
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Marsha J. Grogan, Supply Management Representative, Veterans Administration, Office of Procurement and Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3784

RIN: 2900-AC38

3465. VETERANS ADMINISTRATION ACQUISITION REGULATION - CONTRACT MODIFICATIONS

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 843, (Revision); 48 CFR 852, (Revision)

Legal Deadline: None.

Abstract: This proposed VA Acquisition Regulation provides revisions to contract modification terms and definitions to conform to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Chris A. Figg, Chief, Policy Division, Veterans Administration, Office of Procurement and Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC39

3466. ● VETERANS ADMINISTRATION ACQUISITION REGULATION - CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None.

Abstract: This Veterans Administration regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: C. Ford Heard, Supply Management Representative, Veterans Administration, Office of Procurement & Supply (91A), 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900-AC86

3467. ● VA CONTRACTING OFFICER CERTIFICATION PROGRAM

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 801, (Revision); 48 CFR 802, (Revision)

Legal Deadline: None.

Abstract: This interim final rule will implement the agencywide contracting officer certification program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/87	

Small Entity: Not Applicable

Agency Contact: C. Ford Heard, Supply Management Representative, Office of Procurement & Supply, Veterans Administration, 810 Vermont Avenue, NW (91A), Washington, DC 20420, 202 233-2334

RIN: 2900-AC93

VETERANS ADMINISTRATION (VA)

Completed Actions

3468. READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES

CFR Citation: 38 CFR 17.57

Completed:

Reason	Date	FR Cite
Final Action	04/22/86	51 FR 14990
Final Action Effective	05/27/86	

Small Entity: No

Agency Contact: Stuart Mount 202 233-2504

RIN: 2900-AB55

3469. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

CFR Citation: 38 CFR 17.170 to 17.177

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2900-AC25 which is updated.	02/00/87	

Small Entity: No

Agency Contact: F. Brent Baker 202 233-3679

RIN: 2900-AB62

3470. CHARGES FOR CARE OR MEDICAL SERVICES

Significance: Regulatory Program

CFR Citation: 38 CFR 17

Completed:

Reason	Date	FR Cite
Final Action	01/30/87	52 FR 3008
Final Action Effective	04/07/86	

Small Entity: No

Agency Contact: Karen Walters 202 233-2337

RIN: 2900-AB80

3471. ●COPAYMENTS FOR VA HEALTH CARE

CFR Citation: 38 CFR 17.48

Completed:

Reason	Date	FR Cite
Final Action	04/08/87	52 FR 11259
Final Action Effective	04/07/86	

Small Entity: No

Agency Contact: Karen Walters 202 233-2143

RIN: 2900-AC67

3472. ●TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Significance: Regulatory Program

CFR Citation: 38 CFR 17.100

Completed:

Reason	Date	FR Cite
Final Action	03/12/87	52 FR 7575
Final Action Effective	04/13/87	

Small Entity: No

Agency Contact: Karen Walters 202 233-2143

RIN: 2900-AC70

3473. ACCOUNTABILITY FOR AUTHORIZATION AND PAYMENT OF TRAINING AND REHABILITATION SERVICES

CFR Citation: 38 CFR 21.430(c)(1); 38 CFR 21.430(c)(2)

Completed:

Reason	Date	FR Cite
Final Action	12/22/86	51 FR 45766
Final Action Effective	12/22/86	

Small Entity: No

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900-AB92

3474. APPLICANT STATUS, INTERRUPTED STATUS, DISCONTINUED STATUS, DUTIES OF THE VOCATIONAL REHABILITATION PANEL

CFR Citation: 38 CFR 21.62; 38 CFR 21.182; 38 CFR 21.197; 38 CFR 21.198

Completed:

Reason	Date	FR Cite
Final Action	01/23/87	52 FR 2518
Final Action Effective	01/23/87	

Small Entity: No

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900-AB93

3475. VETERANS EDUCATION; EFFECTIVE DATE OF REFUND UPON DISENROLLMENT FROM VEAP

CFR Citation: 38 CFR 21.5064(b)

Completed:

Reason	Date	FR Cite
Final Action	12/24/86	51 FR 46654
Final Action Effective	10/27/86	

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AB98

3476. END OF FLIGHT TRAINING IN VEAP (POST-VIETNAM ERA EDUCATIONAL ASSISTANCE PROGRAM)

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5072; 38 CFR 21.5132; 38 CFR 21.5137; 38 CFR 21.5138; 38 CFR 21.5250

Completed:

Reason	Date	FR Cite
Final Action	02/04/87	52 FR 3428
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AC14

3477. NONDUPLICATION - 38 U.S.C. CHAPTERS 31, 32, 34 AND 35

CFR Citation: 38 CFR 21.21

Completed:

Reason	Date	FR Cite
Withdrawn - Combined with RIN 2900-AC74	02/00/87	

Small Entity: No

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900-AC16

3478. VETERANS EDUCATION; EDUCATION LOANS IN DEFAULT

CFR Citation: 38 CFR 21.4504

Completed:

Reason	Date	FR Cite
Final Action	02/27/87	52 FR 5963

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AC47

3479. LOAN GUARANTY: LOANS SOLD UNDER 38 CFR 36.4600

CFR Citation: 38 CFR 36.4600

Completed:

Reason	Date	FR Cite
Final Action	03/04/87	52 FR 6547

Small Entity: No

Agency Contact: Raymond L. Brodie 202 233-3668

RIN: 2900-AC48

3480. VETERANS EDUCATION; AMENDMENTS TO THE VETERANS' JOB TRAINING ACT

CFR Citation: 38 CFR 21.4632

Completed:

Reason	Date	FR Cite
Final Action	03/04/87	52 FR 6547
Final Action Effective	07/02/86	

Small Entity: No

Agency Contact: June C. Schaeffer 202 233-2092

RIN: 2900-AC62

3481. APPEALS REGULATIONS AND RULES OF PRACTICE

CFR Citation: 38 CFR 19.168, (Revision); 38 CFR 19.170, (Revision)

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	10/07/86	51 FR 35648
Final Action Effective	10/12/86	

Small Entity: No

Agency Contact: Jan Donsbach 202 233-2978

RIN: 2900-AC09

3482. STANDARDS FOR CLAIMS COLLECTION COMMITTEE ON WAIVERS & COMPROMISES SALARY OFFSET

CFR Citation: 38 CFR 1.900 to 1.954; 38 CFR 1.957; 38 CFR 1.963a; 38 CFR 1.980 to 1.994

Completed:

Reason	Date	FR Cite
Final Action	01/16/87	52 FR 1904
Final Action Effective	02/17/87	

Small Entity: No

Agency Contact: Peter T. Mulhern 202 233-2018

RIN: 2900-AC45

3483. ENVIRONMENTAL EFFECTS OF VA ACTIONS

CFR Citation: 38 CFR 26

Completed:

Reason	Date	FR Cite
Final Action	10/20/86	51 FR 37182
Final Action Effective	10/20/86	

Small Entity: Undetermined

Agency Contact: G. T. Baxter 202 233-2922

RIN: 2900-AB17

3484. ●USE OF OFFICIAL MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN

CFR Citation: 38 CFR 1.700 to 1.705

Completed:

Reason	Date	FR Cite
Final Action	04/06/87	52 FR 10888

Small Entity: No

Agency Contact: Gordon Boone 202 233-5436

RIN: 2900-AC65

3485. VETERANS ADMINISTRATION ACQUISITION REGULATION - QUALITY ASSURANCE

CFR Citation: 48 CFR 846, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	10/17/86	
Final Action Effective	10/17/86	

Small Entity: Undetermined

Agency Contact: Chris A. Figg 202 233-2334

RIN: 2900-AC34

3486. VETERANS ADMINISTRATION ACQUISITION REGULATION - ADMINISTRATIVE REVIEW

CFR Citation: 48 CFR 801, (Revision)

Completed:

Reason	Date	FR Cite
Withdrawn Combined with 2900-AC12.	02/00/87	

Small Entity: Yes

Agency Contact: Chris A. Figg 202 233-2334

RIN: 2900-AC35

[FR Doc. 87-6635 Filed 04-24-87; 8:45 am]

BILLING CODE 8320-01-T

federal register

Monday
April 27, 1987

Part XLII

Department of Defense/General Services Administration/ National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Semiannual Agenda

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

DATED: March 6, 1987.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3487	Amendment to Federal Acquisition Regulation (FAR Case 84-31)	9000-AA26
3488	Amendment to Federal Acquisition Regulation (FAR Case 84-32)	9000-AA28
3489	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3490	Amendment to Federal Acquisition Regulation (FAR Case 86-45)	9000-AB31
3491	Amendment to the Federal Acquisition Regulation (FAR Case 86-65)	9000-AB51

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3492	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-10	9000-AA00
3493	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-9	9000-AA01
3494	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-11	9000-AA02
3495	Amendment to Federal Acquisition Regulation (FAR Case 83-7)	9000-AA12
3496	Amendment to Federal Acquisition Regulation (FAR Case 85-39)	9000-AA14
3497	Amendment to Federal Acquisition Regulation (FAR Case 84-53)	9000-AA24
3498	Amendment to Federal Acquisition Regulation (FAR Case 85-26)	9000-AA31
3499	Amendment to Federal Acquisition Regulation (FAR Case 84-16)	9000-AA33
3500	Amendment to Federal Acquisition Regulation (FAR Case 84-40)	9000-AA34
3501	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3502	Amendment to Federal Acquisition Regulation (FAR Case 84-33)	9000-AA39
3503	Federal Acquisition Regulation (FAR) FAR Case 85-63	9000-AA49
3504	Federal Acquisition Regulation (FAR) - FAR Case 85-75	9000-AA61
3505	Federal Acquisition Regulation (FAR) - FAR Case 85-32	9000-AA68
3506	Federal Acquisition Regulation (FAR) - FAR Case 85-43	9000-AA69
3507	Federal Acquisition Regulation (FAR) - FAR Case 85-47	9000-AA73
3508	Federal Acquisition Regulation (FAR) - FAR Case 85-51	9000-AA77
3509	Federal Acquisition Regulation (FAR) - FAR Case 85-53	9000-AA79
3510	Federal Acquisition Regulation (FAR) - FAR Case 85-58	9000-AA84
3511	Amendment to Federal Acquisition Regulation (FAR Case 84-30)	9000-AA93
3512	Amendment to Federal Acquisition Regulation (FAR Case 85-25)	9000-AA95
3513	Amendment to Federal Acquisition Regulation (FAR Case 86-11)	9000-AA96
3514	Amendment to Federal Acquisition Regulation (FAR Case 86-12)	9000-AA97

FAR

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3515	Amendment to Federal Acquisition Regulation (FAR Case 86-13)	9000-AA98
3516	Amendment to Federal Acquisition Regulation (FAR Case 86-18)	9000-AB03
3517	Amendment to Federal Acquisition Regulation (FAR Case 86-19)	9000-AB04
3518	Amendment to Federal Acquisition Regulation (FAR Case 86-21)	9000-AB06
3519	Amendment to Federal Acquisition Regulation (FAR Case 86-23)	9000-AB08
3520	Amendment to Federal Acquisition Regulation (FAR Case 86-24)	9000-AB09
3521	Amendment to Federal Acquisition Regulation (FAR Case 86-25)	9000-AB10
3522	Amendment to Federal Acquisition Regulation (FAR Case 86-27)	9000-AB12
3523	Amendment to Federal Acquisition Regulation (FAR Case 86-31)	9000-AB16
3524	Amendment to Federal Acquisition Regulation (FAR Case 86-32)	9000-AB17
3525	Amendment to Federal Acquisition Regulation (FAR Case 86-33)	9000-AB18
3526	Amendment to Federal Acquisition Regulation (FAR Case 86-34)	9000-AB19
3527	Amendment to Federal Acquisition Regulation (FAR Case 86-35)	9000-AB20
3528	Amendment to Federal Acquisition Regulation (FAR Case 86-40)	9000-AB26
3529	Amendment to Federal Acquisition Regulation (FAR Case 86-44)	9000-AB30
3530	Amendment to Federal Acquisition Regulation (FAR Case 86-46)	9000-AB32
3531	Amendment to Federal Acquisition Regulation (FAR Case 86-47)	9000-AB33
3532	Amendment to Federal Acquisition Regulation (FAR Case 86-49)	9000-AB35
3533	Amendment to Federal Acquisition Regulation (FAR Case 86-50)	9000-AB36
3534	Amendment to Federal Acquisition Regulation (FAR Case 86-51)	9000-AB37
3535	Amendment to Federal Acquisition Regulation (FAR Case 86-53)	9000-AB39
3536	Amendment to Federal Acquisition Regulation (FAR Case 86-54)	9000-AB40
3537	Amendment to Federal Acquisition Regulation (FAR Case 86-55)	9000-AB41
3538	Amendment to Federal Acquisition Regulation (FAR Case 86-56)	9000-AB42
3539	Amendment to Federal Acquisition Regulation (FAR Case 86-58)	9000-AB44
3540	Amendment to Federal Acquisition Regulation (FAR Case 86-59)	9000-AB45
3541	Amendment to Federal Acquisition Regulation (FAR Case 86-60)	9000-AB46
3542	Amendment to Federal Acquisition Regulation (FAR Case 86-61)	9000-AB47
3543	Amendment to Federal Acquisition Regulation (FAR Case 86-62)	9000-AB48
3544	Amendment to Federal Acquisition Regulation (FAR Case 86-64)	9000-AB50
3545	Amendment to Federal Acquisition Regulation (FAR Case 86-66)	9000-AB52
3546	Amendment to Federal Acquisition Regulation (FAR Case 86-68)	9000-AB53
3547	Amendment to Federal Acquisition Regulation (FAR Case 86-67)	9000-AB54
3548	Amendment to Federal Acquisition Regulation (FAR Case 86-69)	9000-AB55
3549	Amendment to Federal Acquisition Regulation (FAR Case 87-05)	9000-AB56
3550	Amendment to Federal Acquisition Regulation (FAR Case 87-06)	9000-AB57
3551	Amendment to Federal Acquisition Regulation (FAR Case 86-10)	9000-AB58
3552	Amendment to Federal Acquisition Regulation (FAR Case 86-48)	9000-AB59
3553	Amendment to Federal Acquisition Regulation (FAR Case 86-52)	9000-AB60
3554	Amendment to Federal Acquisition Regulation (FAR Case 86-57)	9000-AB61
3555	Amendment to Federal Acquisition Regulation (FAR Case 86-63)	9000-AB62

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3556	Amendment to Federal Acquisition (FAR case 83-9)	9000-AA21
3557	Amendment to Federal Acquisition Regulation (FAR Case 84-30)	9000-AA40
3558	Federal Acquisition Regulation (FAR) - FAR Case 85-44	9000-AA70
3559	Federal Acquisition Regulation (FAR) - FAR Case 85-48	9000-AA74
3560	Federal Acquisition Regulation (FAR) - FAR Case 85-49	9000-AA75
3561	Amendment to Federal Acquisition Regulation (FAR Case 85-10)	9000-AA94
3562	Amendment to Federal Acquisition Regulation (FAR Case 86-14)	9000-AA99
3563	Amendment to Federal Acquisition Regulation (FAR Case 86-15)	9000-AB00
3564	Amendment to Federal Acquisition Regulation (FAR Case 86-16)	9000-AB01
3565	Amendment to Federal Acquisition Regulation (FAR Case 86-17)	9000-AB02
3566	Amendment to Federal Acquisition Regulation (FAR Case 86-20)	9000-AB05
3567	Amendment to Federal Acquisition Regulation (FAR Case 86-22)	9000-AB07
3568	Amendment to Federal Acquisition Regulation (FAR Case 86-26)	9000-AB11
3569	Amendment to Federal Acquisition Regulation (FAR Case 86-28)	9000-AB13

FAR

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3570	Amendment to Federal Acquisition Regulation (FAR Case 86-30)	9000-AB15
3571	Amendment to the Federal Acquisition Regulation (FAR Case 86-36)	9000-AB22
3572	Amendment to Federal Acquisition Regulation (FAR Case 86-37)	9000-AB23
3573	Amendment to Federal Acquisition Regulation(FAR Case 86-41)	9000-AB27
3574	Amendment to Federal Acquisition Regulation (FAR Case 86-42)	9000-AB28
3575	Amendment to Federal Acquisition Regulation (FAR Case 86-43)	9000-AB29

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

3487. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to implement the Debt Collection Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA26

3488. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to include, for use in small purchases, a clause on federal, state, and local taxes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA29

3489. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 35

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA29

3490. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-45)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 9

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide a greater degree of uniformity in the treatment of firms and individuals that are debarred/suspended from contracts with the U.S. Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB31

3491. ● AMENDMENT TO THE FEDERAL ACQUISITION REGULATION (FAR CASE 86-65)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to remove the $100,000 limitation on the amount the contracting officer is authorized to withhold on a cost reimbursement contract to protect the Government's interest pending final cost settlement.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 226
NPRM Comment Period End	03/03/87	
Final Action	00/00/00	

Small Entity: No

FAR — Proposed Rule Stage

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB51

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR) — Final Rule Stage

3492. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10

Legal Authority: 40 USC 486 (c); 42 USC 2453 (c); 10 USC Chapter 137

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985.

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action FAR Case 85-23, Small Business Subcontracting Policy	07/29/86	51 FR 27114
Final Action FAR Case 85-28, Integrity of Unit Prices	07/29/86	51 FR 27114
Final Action FAR Case 85-11, Definition of Major System	07/29/86	51 FR 27114
Final Action FAR Case 85-30, Planning for Future Competition	07/29/86	51 FR 27114
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA00

3493. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None.

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	50 FR 25680
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA01

3494. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory, May 1, 1985.

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	50 FR 35474

FAR **Final Rule Stage**

Action	Date	FR Cite
Final Action FAR Case 85-37 Unreasonable Restrictions on Subcontractor Sales	07/29/86	51 FR 27114
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA02

3495. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 83-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to labor standards for contracts involving construction.

Timetable:

Action	Date	FR Cite
NPRM	11/03/86	51 FR 39965
NPRM Comment Period End	02/02/87	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA12

3496. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-39)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, October 19, 1985.

Abstract: Amend the Federal Acquisition Regulation to provide Governmentwide acquisition policy with respect to rights in data and copyrights.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	50 FR 32870
NPRM Comment Period End	09/30/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA14

3497. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 19

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to bring the FAR into conformance with section 8(b)(7) of the Small Business Act with the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healey Public Contracts Act.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA24

3498. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-26)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: Public comments were solicited in the Federal Register on May 23, 1985, to ascertain the extent of general concurrence with comments received concerning problems with the FAR's contract clauses entitled Changes. Based on the comments received, revisions to the clauses were formulated, and were published as a proposed rule in the Federal Register on May 2, 1986. As of February 27, 1987, the comments received in response to the publication of the proposed rule in the Federal Register are under review by the Civilian Agency Acquisition Council.

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16462
NPRM Comment Period End	06/16/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA31

3499. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to revise the contract cost principle on allowability of costs for compensated personal absences.

Timetable:

Action	Date	FR Cite
NPRM	07/13/84	49 FR 28571
NPRM Comment Period End	09/11/84	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA33

3500. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 16

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to require inclusion of contract identification codes on Standard Form 26, Award/Contract, and Standard Form 33, Solicitation, Offer, and Award.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA34

3501. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
NPRM Comment Period End	05/21/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA35

3502. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 3

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to exclude debarred and suspended contractors from conducting business with the Government as agents or representatives of other contractors.

Timetable:

Action	Date	FR Cite
NPRM	10/28/85	50 FR 43633
NPRM Comment Period End	11/27/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA39

3503. FEDERAL ACQUISITION REGULATION (FAR) FAR CASE 85-63

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453 (c)

CFR Citation: 48 CFR 31

Legal Deadline: Statutory, April 7, 1986.

Abstract: Amend the FAR to provide that any cost made specifically unallowable under FAR 31.205, Selected costs, cannot be allowed under any other section of FAR Subpart 31.2, Contracts with Commercial Organizations.

Timetable:

Action	Date	FR Cite
NPRM	12/19/85	50 FR 51776
NPRM Comment Period End	01/21/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA49

3504. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-75

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to clarify the contractor's responsibility for Government-furnished property under service contracts performed at Government installations.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6360
NPRM Comment Period End	04/22/86	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA61

3505. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-32

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15; 48 CFR 52

Legal Deadline: Statutory. October 18, 1986 (Public Law 99-500) May 1, 1985 (Public Law 98-577)

Abstract: Amend the FAR to implement Sec. 926 of Public Law 99-500 and Sec. 204 of Public Law 98-577, by requiring offerors in certain noncompetitive acquisitions to certify that prices offered for spare or repair parts that the contractor offers for sale to the public are no higher than the lowest commercial price at which such parts were sold during the most recent regular monthly, quarterly, or other period (but not less than 30 days) in duration for which sales data are reasonably available, or submit a written justification for any differences.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA68

3506. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-43

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to alleviate inequities in contract clauses regarding FOB origin.

Timetable:

Action	Date	FR Cite
NPRM	11/22/85	50 FR 48332
NPRM Comment Period End	01/21/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA69

3507. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-47

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 27; 48 CFR 52

Legal Deadline: Statutory, November 1, 1985.

Abstract: Amend the FAR to implement Pub L 98-525 and Pub L 98-577 concerning the validation of restrictive markings on technical data delivered by a contractor to the Government.

Timetable:

Action	Date	FR Cite
NPRM	10/03/85	50 FR 40416
NPRM Comment Period End	01/09/86	50 FR 45442
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA73

3508. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-51

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on advance agreements to highlight training and education costs as an example of costs for which advance agreements may be particularly important.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	50 FR 45708
NPRM Comment Period End	12/31/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA77

3509. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-53

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on relocation costs to clarify language defining the time requirement for a permanent change of station, correct the list of allowable relocation costs, and clarify the allowability of relocation costs of employees who are hired, relocated, and returned to their point of hire in connection with specific contracts or long-term field projects.

Timetable:

Action	Date	FR Cite
NPRM	11/26/85	50 FR 48735
NPRM Comment Period End	01/27/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA79

3510. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-58

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to adjust customary progress payment rates commensurate with recent trends in interest rates in the private sector, and to promote uniformity throughout the FAR system on these rates.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31194
NPRM Comment Period End	10/02/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA84

3511. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-30)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to adopt as Subpart 32.9, Prompt Payment, the provisions of the Prompt Payment Act (Pub. L. 97-177) and the related OMB Circular A-125 "Prompt Payment" and attachments 1 and 2 of that Circular.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25976
NPRM Comment Period End	09/15/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA93

3512. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-25)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide uniform guidance concerning

ratification of unauthorized commitments.

Timetable:

Action	Date	FR Cite
NPRM	03/18/86	51 FR 9429
NPRM Comment Period End	05/19/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA95

3513. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-11)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to shift the burden of proof on the issue of reasonableness of contract costs from the Government to the contractor, abolish the presumption of reasonableness which attaches to incurred costs and simplify the list of considerations that impact reasonableness determinations.

Timetable:

Action	Date	FR Cite
NPRM	03/03/86	51 FR 7379
NPRM Comment Period End	05/02/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA96

3514. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-12)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise Standard Form 1417 to eliminate unnecessary delays in securing solicitation documents by requiring construction contractors to obtain a certified check or cashiers check.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA97

3515. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-13)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise and clarify coverage on the costs of stock-related employee compensation.

Timetable:

Action	Date	FR Cite
NPRM	04/14/86	51 FR 12676
NPRM Comment Period End	06/13/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA98

3516. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-18)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify Federal Prison Industries' priority status in the acquisition of services.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21496
NPRM Comment Period End	08/11/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB03

3517. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-19)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to expand existing requirements to summarize proposed, recommended, and negotiated amounts by specifically requiring that the summary be in terms of major cost elements.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15264
NPRM Comment Period End	05/22/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB04

3518. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-21)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to specifically preclude the acceptance of unallowable costs as the result of using equipment ownership and operating cost schedules.

Timetable:

Action	Date	FR Cite
NPRM	04/22/86	51 FR 15264
NPRM Comment Period End	05/22/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB06

3519. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-23)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 13; 48 CFR 19; 48 CFR 20; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide for the use of small purchase procedures in awarding set-aside contracts between $10,000 and $25,000.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
NPRM Comment Period End	07/28/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB08

3520. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-24)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify in the small business set-aside notice that an acquisition is to be made only from a small business concern furnishing a product manufactured in the U.S., its territories, or possessions, Puerto Rico, or the Trust Territory of the Pacific Islands.

Timetable:

Action	Date	FR Cite
NPRM	07/29/86	51 FR 27129
NPRM Comment Period End	09/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB09

3521. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-25)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation with respect to Government purchases of products from countries designated under the Caribbean Basin Economic Recovery Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/06/86	51 FR 16802
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB10

3522. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-27)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify the intent of legislative lobbying costs.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19506
NPRM Comment Period End	07/28/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB12

3523. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-31)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1; 48 CFR 15; 48 CFR 30; 48 CFR 31; 48 CFR 52; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate the Cost Accounting Standards and certain rules and regulations promulgated by the CAS Board under Pub. L. 91-379.

Timetable:

Action	Date	FR Cite
NPRM	06/03/86	51 FR 20238
NPRM Comment Period End	08/04/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB16

3524. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-32)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to ensure that the contracting officer and the authorized representative have access to all the data which impacts contract price.

Timetable:

Action	Date	FR Cite
NPRM	06/26/86	51 FR 23396
NPRM Comment Period End	08/25/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB17

3525. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-33)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate changes to provide improved value engineering coverage.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31197
NPRM Comment Period End	10/02/86	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB18

3526. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-34)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to delete the requirement to use state rates in discounting certain self-insured losses to present value.

Timetable:

Action	Date	FR Cite
NPRM	07/08/86	51 FR 24788
NPRM Comment Period End	09/08/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB19

3527. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-35)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 30

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to increase the minimum acquisition cost criterion for capitalization purposes from $1,000 to $1,500.

Timetable:

Action	Date	FR Cite
NPRM	07/09/86	51 FR 24971
NPRM Comment Period End	09/08/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB20

3528. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-40)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to add coverage on the use of color coded schedules under the Federal Supply Schedules Program.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB26

3529. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-44)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 45

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify instructions for preparing the Standard Form 1432 relative to the descriptive information about special tooling and special test equipment that must be reported.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31196
NPRM Comment Period End	11/03/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB30

3530. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-46)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Statutory, August 19, 1986.

Abstract: To amend the Federal Acquisition Regulation to implement Article 15 of the U.S.-Israel Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/86	51 FR 30618

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB32

3531. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to clarify that BPA's shall not cite accounting and appropriation data.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB33

3532. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: Amend the FAR to clarify the requirement that telegraphic proposals must be submitted to the office specified in the solicitation.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB35

3533. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to eliminate the need for separate provisions in overseas solicitations.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB36

3534. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR regarding penalties charged under DOD contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB37

3535. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the FAR to revise the exceptions to synopsizing contract awards in FAR 5.301 to reflect current statutory exceptions.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB39

3536. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15

Legal Deadline: None.

Abstract: To amend the FAR to permit the use of letter requests for proposals for sole source acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	10/15/86	51 FR 36777
NPRM Comment Period End	12/15/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB40

3537. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-55)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32; 48 CFR 44

Legal Deadline: None.

Abstract: To amend the FAR to clarify contracting officer responsibilities in reviewing prime contractor administration of subcontractor progress payments.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB41

3538. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 25

Legal Deadline: None.

Abstract: To amend the FAR to clarify that not all ammunition purchases are subject to the Buy American Act.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB42

3539. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to (1) clarify service of protest requirements and (2) provide for designation of officials or locations where an information copy of the protest must be delivered.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42805
NPRM Comment Period End	01/26/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB44

3540. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-59)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 40 USC 2453(c)

CFR Citation: 48 CFR 14

Legal Deadline: None.

Abstract: To amend the FAR to clarify that contracting offices may require written requests for the release of lists of prospective bidders furnished copies of plans and specifications on construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/19/86	51 FR 41897
NPRM Comment Period End	01/20/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW 20405, Washington, DC 20405, 202 523-4755

RIN: 9000-AB45

3541. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 4

Legal Deadline: None.

Abstract: To amend the FAR to eliminate the requirement to retain records for procurements of $25,000 or less when small purchase procedures are not used.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB46

3542. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-61)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to clarify the policy on the use of oral solicitations under small purchase procedures.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB47

3543. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the FAR to clarify the requirement that the clause at 52.207-3, Right of First Refusal of Employment, is to be included in all solicitations whether or not a cost comparison was performed.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB48

3544. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the FAR to implement OMB Circular A-125 and EO 12352, Task Group 5, Module 7, regarding Fast Pay procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44410
NPRM Comment Period End	02/09/87	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB50

3545. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-66)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22

Legal Deadline: None.

Abstract: To amend the FAR to be consistent with the policies of the Office of Federal Contract Compliance Programs (OFCCP) as published in 41 CFR 60-1.20(d) relating to equal opportunity preaward clearance of subcontracts in construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB52

3546. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to provide a clearer statement of what constitutes special versus general purpose test equipment.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4086
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB53

3547. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to clarify what constitutes a "qualification requirement" and to whom or what it applies.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4082
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB54

3548. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to include more specific regulatory coverage concerning the termination of overfunded defined benefit pension plans and the resultant employer withdrawal of excess pension fund assets.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4084
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB55

3549. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-05)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: To amend the FAR to modify FAR 31.205-38 to limit the restriction associated with foreign sales to "direct selling efforts," as defined in FAR 31.205-38(c).

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB56

3550. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-06)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the FAR to permit agency determination of the thresholds above which routine reporting and announcement of contract awards will be made.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB57

FAR

Final Rule Stage

3551. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 22; 48 CFR 52; 48 CFR 53

Legal Deadline: None.

Abstract: To amend the FAR to implement Section 1241 of Public Law 99-145 and Department of Labor regulatory revisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/86	51 FR 12292
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB58

3552. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-48)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 8

Legal Deadline: None.

Abstract: To amend the FAR to revise the coverage on the acquisition of printing and related supplies to reflect the Supreme Court's decision regarding approval procedures, substitution of a notification requirement, and definitions.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB59

3553. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the FAR to clarify when agencies should evaluate offers for option quantities in awarding the basic contract and when exercise of an option will satisfy the requirements of full and open competition contained in Part 6 of the FAR.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB60

3554. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the FAR to require contracting officers to address in acquisition plans how subcontract competition will be sought, promoted, and sustained throughout an acquisition.

Timetable:

Action	Date	FR Cite
NPRM	10/28/86	51 FR 39456
NPRM Comment Period End	12/29/86	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB61

3555. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-63)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 28

Legal Deadline: None.

Abstract: To amend the FAR to permit agencies to require only separate bid bonds as bid guarantees for construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB62

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3556. AMENDMENT TO FEDERAL ACQUISITION (FAR CASE 83-9)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 53

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to revise SF 295, Summary Subcontracting Report, and related instructions to clarify Labor Surplus Area Subcontracting Program reporting instructions.

Timetable:

Action	Date	FR Cite
Withdrawn	01/07/87	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA21

3557. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-30)

Legal Authority: 40 USC 486 (c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 32

Legal Deadline: None.

Abstract: Amend the Federal Acquisition Regulation to implement the Prompt Payment Act and OMB Circular A-125.

Timetable:

Action	Date	FR Cite
NPRM	07/17/86	51 FR 25976
NPRM Comment Period End	09/15/86	
Withdrawn	02/02/87	

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA40

3558. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-44

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on compensation for personal services to make unallowable under Government contracts the amount of rebates and purchase discounts granted to employees on contractor produced products or services.

Timetable:

Action	Date	FR Cite
NPRM	10/09/85	50 FR 41179
NPRM Comment Period End	12/09/85	
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A.Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA70

3559. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-48

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 31

Legal Deadline: None.

Abstract: Amend the FAR to revise the contract cost principle on insurance and indemnification to make premiums for retroactive or backdated insurance expressly unallowable on Government contracts.

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42657
NPRM Comment Period End	11/20/85	
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Street, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA74

3560. FEDERAL ACQUISITION REGULATION (FAR) - FAR CASE 85-49

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2453(c)

CFR Citation: 48 CFR 52

Legal Deadline: Statutory, April 7, 1986.

Abstract: Amend the FAR to revise language in the contract clauses entitled "Cost Accounting Standards" and "Disclosure and Consistency of Cost Accounting Practices" concerning changes in the interest rate charged contractors, predicated on the passage of the 1986 Defense Authorization Act.

Timetable:

Action	Date	FR Cite
NPRM	10/28/85	50 FR 43643
NPRM Comment Period End	11/27/85	
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS - FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA75

3561. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-10)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 6; 48 CFR 8; 48 CFR 15; 48 CFR 41; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to incorporate acquisition of utility services.

Timetable:

Action	Date	FR Cite
NPRM	05/07/86	51 FR 16988
NPRM Comment Period End	09/07/86	
Final Action	10/16/86	51 FR 36970

Small Entity: Undetermined

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA94

3562. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-14)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to state the small purchase limitation does not apply to individual BPA purchases under Federal Supply Schedules.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA99

3563. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-15)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide guidance to contracting personnel when methods of transportation other than land are involved.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB00

3564. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-16)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 5

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide additional guidance to contracting officers on how to proceed with a contract when a contracting officer learns that a synopsis has not been published within prescribed timeframes.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB01

3565. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-17)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 16

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify that only a written determination and not a formal determination and finding is needed to approve a letter contract.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB02

3566. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-20)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 00 CFR none

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide updated matrices through Federal Acquisition Circular 84-13.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB05

3567. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-22)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 7

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to make a minor editorial revision.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB07

3568. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-26)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 50

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to add an instruction to contracting officers concerning documentation required for contracts awarded under Pub. L. 85-804.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AB11

3569. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-28)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 24

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to provide guidance to contracting personnel concerning the handling of requests for disclosure of contractor-supplied information pursuant to the Freedom of Information Act (FOIA).

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB13

3570. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-30)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 19

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to revise the table of industry size standards to reflect corrections made by the Small Business Administration.

Timetable:

Action	Date	FR Cite
Final Action	09/03/86	51 FR 31424

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB15

3571. AMENDMENT TO THE FEDERAL ACQUISITION REGULATION (FAR CASE 86-36)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 44; 48 CFR 52

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to reinstate the language in 52.244-1 which authorizes the contracting officer to lower the subcontract dollar threshold.

Timetable:

Action	Date	FR Cite
Final Action	10/16/86	51 FR 36970

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB22

3572. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-37)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 15

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to modify the should-cost analysis rule to clarify the role that this analysis plays, address its scope, and its objective.

Timetable:

Action	Date	FR Cite
Final Action	10/16/86	51 FR 36970

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB23

3573. AMENDMENT TO FEDERAL ACQUISITION REGULATION(FAR CASE 86-41)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 33

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to emphasize the limitations on the contracting officer's authority in the settlement of claims involving fraud.

Timetable:

Action	Date	FR Cite
Final Action	10/16/86	51 FR 36970

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB27

3574. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-42)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 13

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify that existing appeal rights of small business specialists and SBA representatives with respect to set-asides apply to small business-small purchase set-asides.

Timetable:

Action	Date	FR Cite
Final Action	10/16/86	51 FR 36970

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB28

3575. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-43)

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 6

Legal Deadline: None.

Abstract: To amend the Federal Acquisition Regulation to clarify that written justifications and approvals described in FAR 6.303 and 6.304 are not required when a statute expressly requires that a procurement be made from a specified source.

Timetable:

Action	Date	FR Cite
Final Action	10/16/86	51 FR 36970

Small Entity: No

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB29

[FR Doc. 87-6789 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XLIII

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254-7360.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, et seq. ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1] In addition, the agenda lists rulemaking actions which have been completed since the October agenda was prepared.

The Commission's agenda represents its best estimate of significant rules which will be considered over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its April 1987 Regulatory Flexibility Agenda as part of the April Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's April 1987 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, DC on February 27, 1987, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3576	Revision of Federal Speculative Position Limits	3038-AA52

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3577	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3578	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3579	Regulations Governing the Offer and Sale of Foreign Futures and Option Contracts in the United States	3038-AA33
3580	Review of Exchange Disciplinary Actions	3038-AA49

[1] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

CFTC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3581	Activities of Members of Exchange Governing Boards Possessing Material, Non-Public Information	3038-AA53

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3582	Commodity Options; Margins	3038-AA34
3583	Activities of Exchange Employees Possessing Material, Nonpublic Information	3038-AA39
3584	Margining of Exchange -- Traded Commodity Option Positions	3038-AA43
3585	Transfer or Liquidation of Open Commodity Contracts Carried by a Clearing Member Futures Commission Merchant	3038-AA44
3586	Transfer of Registration Processing Functions	3038-AA51

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3576. REVISION OF FEDERAL SPECULATIVE POSITION LIMITS

Legal Authority: 7 USC 6a; 7 USC 12a(5)

CFR Citation: 17 CFR 150.1; 17 CFR 150.2; 17 CFR 150.3; 17 CFR 150.4; 17 CFR 150.5; 17 CFR 150.10; 17 CFR 150.11; 17 CFR 150.12; 17 CFR 150.6, (new); 17 CFR 150.7, (new)

Legal Deadline: None.

Abstract: It has been a longstanding policy of the Commodity Futures Trading Commission ("Commission") to establish and enforce under its rulemaking authority speculative position limits for futures contracts on various agricultural commodities. Generally, the appropriateness of the particular levels of these speculative position limits has not been reviewed in recent years. In this regard, the Commission has received petitions for rulemaking from the Chicago Board of Trade and from the New York Cotton Exchange to revise these limits. Accordingly, the Commission is undertaking generally to review these speculative position limits and to revise them as appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	09/04/86	51 FR 31648
ANPRM Comment Period End	11/03/86	
NPRM	03/00/87	
NPRM Comment Period End	06/00/87	
Final Action	12/00/87	

Small Entity: No

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K St. N. W., Washington, D. C. 20581, 202 254-6990

RIN: 3038-AA52

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Final Rule Stage

3577. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b); 7 USC 6c(d); 7 USC 12a(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Legal Deadline: None.

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980.

CFTC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
ANPRM	03/18/85	50 FR 10788
Final Action	01/00/88	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA03

3578. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6d; 7 USC 6f; 7 USC 12a

CFR Citation: 17 CFR 1.17

Legal Deadline: None.

Abstract: The Commission has revised the proposed amendments to the Commission's minimum financial and related reporting requirements which had been pending final action. As revised, the proposed amendments would: (1) clarify the treatment to be accorded to securities in current assets, whether or not such securities are subject to repurchase agreements; (2) require FCMs to calculate a concentration charge in computing their adjusted net capital; (3) change the treatment of debit/deficit accounts; and (4) clarify the requirements for and the treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612

Next Action Undetermined

Small Entity: No

Agency Contact: Lawrence Patent or Gary Miller, Assoc. Chief Counsel and Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA10

3579. REGULATIONS GOVERNING THE OFFER AND SALE OF FOREIGN FUTURES AND OPTION CONTRACTS IN THE UNITED STATES

Legal Authority: 7 USC 2; 7 USC 6(b); 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 30

Legal Deadline: None.

Abstract: The Division of Trading and Markets prepared for Commission consideration proposed rules governing the domestic offer and sale of futures contracts and options traded on or subject to the rules of a foreign board of trade. The proposed rules are intended to implement the provisions of Sections 2(a)(1)(A), 4(b) and 4c of the Commodity Exchange Act which vest the Commission with exclusive jurisdiction over the offer and sale of such instruments in the United States.

Timetable:

Action	Date	FR Cite
ANPRM	07/25/84	49 FR 29963
NPRM	04/08/86	51 FR 12104
NPRM Comment Period End	09/30/86	51 FR 24852
Final Action	09/00/87	

Small Entity: Undetermined

Analysis: NPRM Comment Period extended 11/14/86 (51 FR 32929)

Agency Contact: Jane C. Kang, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA33

3580. REVIEW OF EXCHANGE DISCIPLINARY ACTIONS

Legal Authority: 7 USC 12a; 7 USC 12c

CFR Citation: 17 CFR 9

Legal Deadline: None.

Abstract: The Division of Trading and Markets has proposed amendments to the Commission's Part 9 rules governing Commission review of exchange disciplinary, access denial, and other adverse actions to facilitate the review of such actions. The proposed amendments are intended to (1) streamline the procedures, (2) clarify the types of actions for which the Commission will accept review and (3) establish standards pursuant to which the Commission will affirm, reverse or otherwise affect an exchange action.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4021
Final Action	12/00/87	

Small Entity: No

Agency Contact: Phillip V. McGuire, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K St., NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA49

3581. ACTIVITIES OF MEMBERS OF EXCHANGE GOVERNING BOARDS POSSESSING MATERIAL, NON-PUBLIC INFORMATION

Legal Authority: 7 USC 5; 7 USC 6b; 7 USC 7; 7 USC 7a; 7 USC 8; 7 USC 13a; 7 USC 12; 7 USC 12a; 7 USC 13

CFR Citation: 17 CFR 1

Legal Deadline: None.

Abstract: The Commission proposed adopting a regulation which would require designated self-regulatory organizations to prohibit members of contract market or clearing organization governing boards or committees from trading in certain markets prior to the announcement of regulatory decisions made by such bodies affecting those markets and from disclosing information relating to those regulatory decisions. The proposed rule would also make such trading or disclosure a violation of the Commission's regulations. This rulemaking was originally part of the rulemaking pertaining to the use of inside information by exchange employees (RIN: 3038-AA39).

Timetable:

Action	Date	FR Cite
NPRM	06/11/85	50 FR 24533
Final Action	07/00/87	

Small Entity: No

Additional Information: Further request for comments 12/12/86 (51 FR 44871)

Agency Contact: De'Ana Hamilton Brown, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K St. N.W., Washington, D. C. 20581, 202 254-8955

RIN: 3038-AA53

COMMODITY FUTURES TRADING COMMISSION (CFTC)

Completed Actions

3582. COMMODITY OPTIONS; MARGINS

CFR Citation: 17 CFR 1; 17 CFR 33

Completed:

Reason	Date	FR Cite
Withdrawn	11/25/86	

Small Entity: Undetermined

Agency Contact: Robert H. Rosenfeld 202 254-8955

RIN: 3038-AA34

3583. ACTIVITIES OF EXCHANGE EMPLOYEES POSSESSING MATERIAL, NONPUBLIC INFORMATION

CFR Citation: 17 CFR 1

Completed:

Reason	Date	FR Cite
Final Action	12/12/86	51 FR 44866

Small Entity: No

Agency Contact: De'Ana Hamilton-Brown 202 254-8955

RIN: 3038-AA39

3584. MARGINING OF EXCHANGE -- TRADED COMMODITY OPTION POSITIONS

CFR Citation: 17 CFR 33

Completed:

Reason	Date	FR Cite
Withdrawn	11/25/86	

Small Entity: No

Agency Contact: Kevin M. Foley 202 254-8955

RIN: 3038-AA43

3585. TRANSFER OR LIQUIDATION OF OPEN COMMODITY CONTRACTS CARRIED BY A CLEARING MEMBER FUTURES COMMISSION MERCHANT

CFR Citation: 17 CFR 1; 17 CFR 190

Completed:

Reason	Date	FR Cite
Withdrawn	11/25/86	

Small Entity: No

Agency Contact: Kevin M. Foley 202 254-8955

RIN: 3038-AA44

3586. TRANSFER OF REGISTRATION PROCESSING FUNCTIONS

CFR Citation: 17 CFR 3

Completed:

Reason	Date	FR Cite
Final Action	09/29/86	51 FR 34458

Small Entity: No

Agency Contact: Kevin Foley and Phillip McGuire 202 254-8955

RIN: 3038-AA51

[FR Doc. 87-6636 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XLIV

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 1987.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Harleigh Ewell, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6980. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-5540. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The Regulatory Flexibility Agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

DATED: March 18, 1987.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3587	Rule review	3041-AA20
3588	Rule review	3041-AA24
3589	Rule review	3041-AA25
3590	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41
3591	All-Terrain Vehicles	3041-AA53
3592	Petition PP 85-2. Petition for rule to make disposable lighters child-resistant	3041-AA56
3593	Petition CP 86-1 requesting issuance of rule to address tip-over hazards of mobile television carts and related products for use in schools, institutions, and government agencies	3041-AA60

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3594	Petition HP 86-1 requesting issuance of a rule to require labeling of disposable diapers	3041-AA61
3595	Petition HP 87-1 requesting a ban of certain household products containing more than 0.01 percent tremolite	3041-AA63
3596	Petition PP87-1 Requesting That Certain Conjugated Estrogens Be Exempted from Poison Prevention Packaging Act Regulations Requiring Child-Resistant Packaging	3041-AA65
3597	Petition CP 86-2 Requesting A Consumer Product Safety Standard for Bunk Beds	3041-AA66

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3598	Requirements for the special packaging of household substances; advance notice of proposed rulemaking and notice of opportunity for oral presentations	3041-AA22
3599	Federal Hazardous Substances Act regulations for first aid labeling of products containing 10 percent or more of benzene, toluene, xylene, or petroleum distillates	3041-AA52
3600	Petition HP 85-1. Petition requesting ban of household products containing methylene chloride	3041-AA58
3601	Household substances containing methylene chloride; status as hazardous substances; proposed rule	3041-AA59

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3602	Petition CP 82-6. Petition to initiate a mandatory standard to limit the formaldehyde that could be released from pressed wood products made with urea-formaldehyde resins	3041-AA03
3603	Asbestos in consumer products	3041-AA11
3604	Rule review	3041-AA19
3605	Petition HP 84-2. Petition to request amendments to electrical toy regulations (16 CFR 1505)	3041-AA49
3606	Amendment of Poison Prevention Packaging Act Rules to Exempt Certain Effervescent Tablets Containing Aspirin from Requirements for Child-Resistant Packaging	3041-AA62

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Prerule Stage

3587. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1193 Flammable Fabrics Act; 15 USC 1194 Flammable Fabrics Act; 15 USC 2079 Consumer Product Safety Act

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Legal Deadline: Statutory, December 31, 1990.

Abstract: On February 2, 1984, the Commission published a Federal Register notice listing eight (8) rules and standards issued under the Flammable Fabrics Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, 301 492-6980

RIN: 3041-AA20

3588. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Statutory, December 31, 1990.

Abstract: The Commission plans to publish a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging

Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA24

3589. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public Comment Period Ends	04/23/84	49 FR 6504

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA25

3590. PETITION HP 84-1. PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None.

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from coverage. If the Commission grants the petition, it will proceed to develop a proposed exemption to the standard.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA41

3591. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a motorized machine intended to be ridden by one person and designed for off-road use. ATVs are manufactured in three-wheel and four-wheel designs. Hearings were held in six cities from May 1985 through March 1986. On April 3, 1985, the Commission established a staff ATV Task Force to study and evaluate this matter. The Task Force submitted a report and recommendations, and, on December 18, 1986, the Commission directed its staff to: (1) continue to work with the industry to develop voluntary performance standards and do the technical work required to issue a NPRM to address the performance characteristics of ATVs, (2) prepare a letter to state governors, the Department of the Interior, and other appropriate federal agencies stressing the importance of ATV safety, and inform consumers and states of ATV safety hazards, (3) update the ATV safety alert and actively conduct Clearinghouse (cont.)

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT. activities on ATV safety, (4) develop a program to provide all the types of notice and warning necessary to advise consumers of the risks associated with ATVs and how to minimize the risks, (5) prepare a letter for Commission approval advising the Specialty Vehicle Industry Association of the Commission's displeasure at the progress to date in developing voluntary standards, and (6) prepare a letter for Commission approval asking that ATV manufacturers voluntarily cease marketing ATVs intended for use by children under 12 years of age.

Agency Contact: Nick Marchica, Chairman, ATV Task Force, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041-AA53

3592. PETITION PP 85-2. PETITION FOR RULE TO MAKE DISPOSABLE LIGHTERS CHILD-RESISTANT

Legal Authority: 15 USC 1471 et seq. Poison Prevention Packaging Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On May 3, 1985, the Commission received a petition from Diane L. Denton, R.N., requesting the Commission to initiate a rulemaking proceeding to establish requirements applicable to disposable lighters to make those products child-resistant.

Information available to the Commission staff indicates that a significant number of young children die each year from fires involving disposable lighters. However, this information is not adequate to determine what action, if any, could be taken to reduce this hazard. The staff is now collecting information about possible means of addressing risks of death and injury to young children associated with disposable lighters. When the staff obtains this information, the Commission will consider the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: L. J. Sharman, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, 301 492-6554

RIN: 3041-AA56

3593. PETITION CP 86-1 REQUESTING ISSUANCE OF RULE TO ADDRESS TIP-OVER HAZARDS OF MOBILE TELEVISION CARTS AND RELATED PRODUCTS FOR USE IN SCHOOLS, INSTITUTIONS, AND GOVERNMENT AGENCIES

Legal Authority: 15 USC 2051 et seq. Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: By letter dated June 3, 1986, James L. Dieringer petitioned the Commission to begin a proceeding for issuance of a rule to address the tip-over hazards of mobile television carts and related equipment for use in schools, institutions, and government agencies. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Stan Morrow, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA60

3594. PETITION HP 86-1 REQUESTING ISSUANCE OF A RULE TO REQUIRE LABELING OF DISPOSABLE DIAPERS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 et seq. Federal Hazardous Substances Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: By letter dated February 12, 1986, the Coalition of Concerned Parents requested the Commission to begin a proceeding for issuance of a rule to require labeling of disposable diapers and disposable diaper boxes to warn of ingestion and flammability hazards. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA61

3595. ● PETITION HP 87-1 REQUESTING A BAN OF CERTAIN HOUSEHOLD PRODUCTS CONTAINING MORE THAN 0.01 PERCENT TREMOLITE

Legal Authority: 15 USC 1261(q)(1)(B) Federal Hazardous Substances Act; 5 USC 553(e) Administrative Procedure Act

CFR Citation: 16 CFR 1500

Legal Deadline: None.

Abstract: On October 14, 1986, Mr. Mark Germaine petitioned the Commission to ban: consumer products that contain limestone, including lawn and garden limestones, both granular and pulverized; sand products, including play sand; and consumer gravel products; if such products contain more than 0.01 percent of tremolite. Mr. Germaine bases his request for a ban on a concern that tremolite in these products is carcinogenic and causes mesothelioma. The staff will prepare a briefing package for consideration by the Commission in deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a rulemaking proceeding under the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Office of Program Management and Budget, Consumer Product Safety Commission, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA63

3596. ● PETITION PP87-1 REQUESTING THAT CERTAIN CONJUGATED ESTROGENS BE EXEMPTED FROM POISON PREVENTION PACKAGING ACT REGULATIONS REQUIRING CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC 1471 to 1474 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None.

Abstract: By a petition dated October 26, 1986, Ayerst Laboratories asked the Commission to increase the present exemption from special packaging requirements for conjugated estrogens from 26.5 to 32 milligrams per mnemonic package. If the Commission grants the petition, a rulemaking proceeding will be begun under the Poison Prevention Packaging Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia White, Senior Project Manager, Office of Management and Budget, Consumer Product Safety Commission, Washington, D.C. 20207, 301 492-6554

RIN: 3041-AA65

CPSC — Prerule Stage

3597. ● PETITION CP 86-2 REQUESTING A CONSUMER PRODUCT SAFETY STANDARD FOR BUNK BEDS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2057 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: In correspondence dated August 26, 1986, the Consumer Federation of America petitioned the Commission to begin a proceeding to issue a consumer product safety standard for bunk beds. The petition alleges that unreasonable risks of death or injury to children are associated with bunk beds in that (1) supporting structures for mattresses can be inadequate to prevent the mattress from falling on children, (2) guardrails can be positioned far enough above the upper surface of the mattress to allow a child's body to slip between the guardrail and the mattress, resulting in head entrapment and stangulation, and (3) the absence of a guardrail on the side of the bed next to a wall can result in entrapment of a child's head or chest between the mattress and the wall, causing strangulation. If the petition is granted, the Commission will begin a rulemaking proceeding under either the Consumer Product Safety Act or the Federal Hazardous Substances Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA66

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Proposed Rule Stage

3598. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None.

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June, 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPR. In May 1987, the staff expects to transmit a briefing package to the Commission an analysis of comments received in response to the ANPR and recommendations regarding revision of existing requirements for child-resistant packaging.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia A. White, Senior Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA22

3599. FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS FOR FIRST AID LABELING OF PRODUCTS CONTAINING 10 PERCENT OR MORE OF BENZENE, TOLUENE, XYLENE, OR PETROLEUM DISTILLATES

Legal Authority: 15 USC 1261(p)(1) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.14(b)(3)

Legal Deadline: None.

Abstract: On December 13, 1985, the Commission proposed a regulation to amend the FHSA regulations for first aid labeling of products containing 10 per cent or more of benzene, toluene, xylene, or petroleum distillates by eliminating the current requirement that such labeling must contain the direction "if swallowed, do not induce vomiting." Current expert opinion is that the decision of whether to induce vomiting as a first aid treatment should be made on a case-by-case basis, depending on the toxicity of the individual product and the amount ingested. In May 1987, the staff will send a briefing package to the Commission with an analysis of comments on the proposed amendment.

Timetable:

Action	Date	FR Cite
NPRM	12/13/85	50 FR 50918
NPRM Comment Period End	02/11/86	50 FR 50918
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia A. White, Senior Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C.20207, **301 492-6554**

RIN: 3041-AA52

3600. PETITION HP 85-1. PETITION REQUESTING BAN OF HOUSEHOLD PRODUCTS CONTAINING METHYLENE CHLORIDE

Legal Authority: 15 USC 1261(q)(1)(B) Federal Hazardous Substances Act; 15 USC 1262(a) Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500

Legal Deadline: None.

Abstract: On September 3, 1985, the Consumer Federation of America (CFA) petitioned the Commission to begin a proceeding for issuance of a rule under provisions of section 3(a) of the Federal Hazardous Substances Act (FHSA) to declare that household products containing methylene chloride are hazardous substances. By letter dated December 20, 1985, CFA amended the petition to also request that a

proceeding be initiated to declare household products containing methylene chloride to be "banned hazardous substances" under provisions of section 2(q)(1)(B) of the FHSA upon issuance of the rule to classify such products as hazardous substances. Methylene chloride is a solvent used in paint strippers, spray paints, and other consumer products. On February 27, 1986, the Commission voted to propose a rule to declare household products containing methylene chloride to be hazardous substances. This decision has the effect of granting CFA's first request. This proposed rule was published for comment on August 20, 1986. If the Commission grants the remainder of CFA's petition, it will (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778

Next Action Undetermined

Small Entity: Undetermined

Additional Information: CONT publish an advance notice of proposed rulemaking under provisions of the FHSA.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA58

3601. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None.

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. If the proposal is issued as a final rule, it would resolve uncertainty about whether these products are hazardous substances. The initiation of this rulemaking proceeding grants one part of a petition (HP 85-1) from the Consumer Federation of America. The Commission has not yet acted on a second part of that petition which requests a ban of household products containing methylene chloride. A rule declaring the products in question to be hazardous substances would have the effect of requiring cautionary labeling under provisions of the Federal (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Hazardous Substances Act. The Commission also decided to work with industry and consumer groups to develop appropriate labeling and other voluntary actions to reduce consumer exposure to methylene chloride. The staff expects to provide an analysis of the comments on the proposed rule to the Commission in June 1987 for a Commission decision in July of 1987.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041-AA59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) Completed Actions

3602. PETITION CP 82-6. PETITION TO INITIATE A MANDATORY STANDARD TO LIMIT THE FORMALDEHYDE THAT COULD BE RELEASED FROM PRESSED WOOD PRODUCTS MADE WITH UREA-FORMALDEHYDE RESINS

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	11/04/86	
Final Action Effective	11/04/86	

Small Entity: Undetermined

Agency Contact: James Hoebel 301 492-6554

RIN: 3041-AA03

3603. ASBESTOS IN CONSUMER PRODUCTS

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Effective 12/23/86	09/24/86	51 FR 33910

Small Entity: Undetermined

Agency Contact: Sandra Eberle 301 492-6554

RIN: 3041-AA11

3604. RULE REVIEW

CFR Citation: 16 CFR 1009; 16 CFR 1019; 16 CFR 1115; 16 CFR 1201; 16 CFR 1202; 16 CFR 1205; 16 CFR 1207; 16 CFR 1209; 16 CFR 1212; 16 CFR 1301; 16 CFR 1302; 16 CFR 1303; 16 CFR 1304; 16 CFR 1305; 16 CFR 1401; ...

Completed:

Reason	Date	FR Cite
End Review	02/19/87	52 FR 5079

Small Entity: Yes

Agency Contact: Allen Brauninger 301 492-6980

RIN: 3041-AA19

3605. PETITION HP 84-2. PETITION TO REQUEST AMENDMENTS TO ELECTRICAL TOY REGULATIONS (16 CFR 1505)

CFR Citation: 16 CFR 1505

Completed:

Reason	Date	FR Cite
Final Action	09/26/86	
Final Action Effective	09/26/86	51 FR 34197

Small Entity: Undetermined

Agency Contact: Elaine Tyrrell 301 492-6554

RIN: 3041-AA49

3606. AMENDMENT OF POISON PREVENTION PACKAGING ACT RULES TO EXEMPT CERTAIN EFFERVESCENT TABLETS CONTAINING ASPIRIN FROM REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14(a)(1)(i)

Completed:

Reason	Date	FR Cite
Final Action	12/18/86	51 FR 45311
Final Action Effective	12/18/86	51 FR 45311

Small Entity: No

Agency Contact: Virginia White 301 492-6554

RIN: 3041-AA62

[FR Doc. 87-6790 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XLV

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration, as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of April 1987 through October 1987.

FOR FURTHER INFORMATION CONTACT: Loretta M. Barkell, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703-883-4020).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, et seq.), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration ("FCA") regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

DATED: February 18, 1987.

Kenneth J. Auberger,

Secretary, Farm Credit Administration Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3607	Part 612; Personnel Administration; Standards of Conduct for Directors, Officers and Employees of System Institutions	3052-AA81

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3608	Part 602 - Releasing Information	3052-AA05
3609	Cooperative Eligibility	3052-AA11
3610	Loans Outside of Bank's Territory - Banks for Cooperatives	3052-AA13
3611	Methods of Financing	3052-AA36
3612	Obligations Eligible for Discount or Purchase	3052-AA37
3613	Overall Review of 12 CFR Parts 611 - 618	3052-AA48
3614	Banks for Cooperatives	3052-AA51
3615	Part 614 - Loan Policies and Operations Subpart Q -- Banks for Cooperatives Financing International Trade	3052-AA52
3616	Part 615 - Funding and Fiscal Affairs	3052-AA60
3617	Funding and Fiscal Affairs; Capital Adequacy	3052-AA79

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3618	Compensation of District Director Board Members	3052-AA09
3619	Part 606 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration	3052-AA67
3620	Part 624-Temporary Regulations; Farm Credit System Regulatory Accounting Practices	3052-AA82

FCA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3621	Farm Credit Administration	3052-AA00
3622	Senior Deputy Governor, Deputy Governors and General Counsel	3052-AA01
3623	Other Administrative Units	3052-AA02
3624	Farm Credit Districts and Institutions	3052-AA03
3625	Part 601 - Employee Responsibilities and Conduct	3052-AA04
3626	Part 602 - Releasing Information	3052-AA06
3627	Part 603 - Privacy Act Regulations	3052-AA07
3628	Part 604 - Meetings of the Federal Farm Credit Board	3052-AA08
3629	Part 614 - Loan Policies and Operations	3052-AA12
3630	Part 615 - Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AA38
3631	Part 602 - Releasing Information	3052-AA50
3632	Part 601 - Employee Responsibilities and Conduct	3052-AA53
3633	Banks for Cooperatives	3052-AA54
3634	Part 603 - Privacy Act Regulations	3052-AA55
3635	Part 611 - Organization	3052-AA56
3636	Part 612 - Personnel Administration, Subpart A -- Human Resources Management	3052-AA57
3637	Part 614 - Loan Policies and Operations	3052-AA58
3638	Part 615 - Funding and Fiscal Affairs	3052-AA61
3639	Equal Housing Lender Poster	3052-AA62
3640	Part 617 - Examination, Audits and Investigations	3052-AA64
3641	Publication of Reports	3052-AA65
3642	Mergers, Consolidations and Territory Transfers; Conservatorships and Receiverships	3052-AA77
3643	District Director Elections	3052-AA78
3644	Borrower Rights	3052-AA80

FARM CREDIT ADMINISTRATION (FCA) — Prerule Stage

3607. ● PART 612; PERSONNEL ADMINISTRATION; STANDARDS OF CONDUCT FOR DIRECTORS, OFFICERS AND EMPLOYEES OF SYSTEM INSTITUTIONS

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612.2150

Legal Deadline: None.

Abstract: Amendment to present regulation which would prohibit an individual from serving simultaneously as an employee of a Farm Credit System board and the System association it supervises.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dorothy J. Acosta, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA81

FARM CREDIT ADMINISTRATION (FCA) — Proposed Rule Stage

3608. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; PL 99-205; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 602.200 to 602.245; 12 CFR 614.4015; 12 CFR 617.7080; 12 CFR 618.8300 to 618.8350

Legal Deadline: None.

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit

Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA05

3609. COOPERATIVE ELIGIBILITY

Legal Authority: PL 92-181; 12 USC 2129; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 613.3110

Legal Deadline: None.

Abstract: Amend eligibility standards for cooperatives, and reference services of cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA11

3610. LOANS OUTSIDE OF BANK'S TERRITORY - BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 96-592; 12 USC 2128; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4080

Legal Deadline: None.

Abstract: Amend international trade financing regulations to eliminate statutory conflict and address the issue of which bank will finance particular international transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA13

3611. METHODS OF FINANCING

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4600

Legal Deadline: None.

Abstract: Loan qualification to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA36

3612. OBLIGATIONS ELIGIBLE FOR DISCOUNT OR PURCHASE

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 614.4610

Legal Deadline: None.

Abstract: Loan participations to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA37

3613. OVERALL REVIEW OF 12 CFR PARTS 611 - 618

Legal Authority: 12 USC 2252(a)(10); PL 92-181; 12 USC 2227; 12 USC 2183; 12 USC 2129; 12 USC 2253; 12 USC 2226; 12 USC 2071; 12 USC 2011; PL 99-205

CFR Citation: 12 CFR 611.1010(c); 12 CFR 611.1140; 12 CFR 612.2110; 12 CFR 612.2120(b); 12 CFR 612.2080; 12 CFR 612.2090; 12 CFR 613.3020(c); 12 CFR 613.3040; 12 CFR 613.3110(a)(4); 12 CFR 613.3110(b)(2); 12 CFR 614.4015; 12 CFR 614.4051; 12 CFR 614.4070; 12 CFR 614.4130; 12 CFR 614.4160(c); ...

Legal Deadline: None.

Abstract: Under review by FCA staff to determine whether to recommend the elimination or retention of existing FCA regulatory approval requirements affecting the operations of Farm Credit System institutions or replacement with regulatory guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL CFR CITATIONS: 12 CFR 614.4165(f); 12 CFR 614.4190(b); 12 CFR 614.4190(c); 12 CFR 614.4281; 12 CFR 614.4330(a); 12 CFR 614.4354(a)(4); 12 CFR 614.4354(e); 12 CFR 614.4460; 12 CFR 614.4511; 12 CFR 614.4630(a); 12 CFR 614.4630(b); 12 CFR 615.5040; 12 CFR 615.5102; 12 CFR 615.5103; 12 CFR 615.5104; 12 CFR 615.5105; 12 CFR 615.5135; 12 CFR 615.5330(a); 12 CFR 615.5340; 12 CFR 615.5370; 12 CFR 615.5420; 12 CFR 615.5453; 12 CFR 615.5550; 12 CFR 615.5160; 12 CFR 615.5220; 12 CFR 615.5290; 12 CFR 615.5320; 12 CFR 614.4345; 12 CFR 614.4450; 12 CFR 614.4455; 12 CFR 615.5100; 12 CFR 615.5140(a)(15); 12 CFR 613.3045; 12 CFR 614.4080; CFR 614.4120; 12 CFR 614.4210; 12 CFR 614.4220; 12 CFR 614.4261; 12 CFR 614.4334(c); 12 CFR 614.4770; 12 CFR 614.4710; 12 CFR 614.4720; 12 CFR 614.4800; 12 CFR 614.4900; 12 CFR 615.5151; 12 CFR 615.5320(b)(1); 12 CFR 615.5400; 12 CFR 618.8020

Agency Contact: Gary L. Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA48

FCA — Proposed Rule Stage

3614. BANKS FOR COOPERATIVES

Legal Authority: 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: 12 CFR 614.4354

Legal Deadline: None.

Abstract: Changes in lending limits for banks for cooperatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA51

3615. PART 614 - LOAN POLICIES AND OPERATIONS SUBPART Q -- BANKS FOR COOPERATIVES FINANCING INTERNATIONAL TRADE

Legal Authority: 12 USC 2128; 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Regulation to define "substantial benefit" as it refers to banks for cooperatives ability to enter into international financing agreements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA52

3616. PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(a)(10); PL 92-181; PL 99-205

CFR Citation: 12 CFR 615.5135; 12 CFR 615.5136; 12 CFR 615.5140; 12 CFR 615.5141; 12 CFR 615.5142; 12 CFR 615.5144; 12 CFR 615.5130

Legal Deadline: None.

Abstract: Amendments to broaden, yet control, types of eligible investments.

Timetable:

Action	Date	FR Cite
ANPRM	12/12/85	50 FR 50798
ANPRM Comment Period End	02/10/86	50 FR 50798
NPRM	12/09/86	51 FR 44310
NPRM Comment Period End	01/08/87	51 FR 44310

Next Action Undetermined

Small Entity: No

Agency Contact: Kenneth L. Peoples, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA60

3617. FUNDING AND FISCAL AFFAIRS; CAPITAL ADEQUACY

Significance: Agency Priority

Legal Authority: 12 USC 2154; 12 USC 2243; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 615.5200; 12 CFR 615.5202; 12 CFR 615.5204; 12 CFR 615.5206; 12 CFR 615.5208; 12 CFR 615.5210; 12 CFR 615.5212; 12 CFR 615.5213; 12 CFR 615.5214; 12 CFR 615.5220; 12 CFR 615.5225; 12 CFR 615.5230

Legal Deadline: None.

Abstract: Regulations to ensure adequate capital is maintained by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26402
NPRM Comment Period End	09/22/86	51 FR 26402

Next Action Undetermined

Small Entity: No

Agency Contact: Gary L. Norton, Senior Attorney, Farm Credit Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA79

FARM CREDIT ADMINISTRATION (FCA) — Final Rule Stage

3618. COMPENSATION OF DISTRICT DIRECTOR BOARD MEMBERS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611.1031; 12 CFR 611.1020; 12 CFR 611.1021; 12 CFR 611.1022; 12 CFR 611.1030; 12 CFR 611.1031

Legal Deadline: None.

Abstract: Revision being made per order of the Farm Credit Administration Board regarding prior approval of district board directors special assignments and compensation of district board directors.

Timetable:

Action	Date	FR Cite
NPRM	12/09/86	51 FR 44308
NPRM Comment Period End	02/09/87	51 FR 44308
Final Action	05/00/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Loretta M. Barkell, Assistant to General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020)

Agency Contact: Nancy E. Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA09

3619. PART 606 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FARM CREDIT ADMINISTRATION

Legal Authority: 12 USC 2252(a)(10); PL 92-181; 29 USC 794; PL 99-205

CFR Citation: 12 CFR 601.601-699

Legal Deadline: None.

Abstract: Provide enforcement of section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the

basis of handicap, as it applies to the programs or activities conducted by the Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51540
NPRM Comment Period End	02/17/86	50 FR 51540

Next Action Undetermined

Small Entity: No

Additional Information: For additional information contact: Loretta M. Barkell, Office of General Counsel Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090 (703) 883-4020

Agency Contact: Nancy E. Lynch, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA67

3620. ● PART 624-TEMPORARY REGULATIONS; FARM CREDIT SYSTEM REGULATORY ACCOUNTING PRACTICES

Legal Authority: PL 99-509; 12 USC 2201; 12 USC 2159; 12 USC 2205; 12 USC 2254

CFR Citation: 12 CFR 624.100; 12 CFR 624.101; 12 CFR 624.102; 12 CFR 624.103; 12 CFR 624.104; 12 CFR 624.110; 12 CFR 624.111; 12 CFR 624.112; 12 CFR 624.113; 12 CFR 624.114

Legal Deadline: None.

Abstract: Utilization of regulatory accounting practices by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/24/86	51 FR 46597
Begin Review	12/24/86	51 FR 46957
End Review	02/24/87	

Next Action Undetermined

Small Entity: No

Agency Contact: Gary L.Norton, Senior Attorney, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA82

FARM CREDIT ADMINISTRATION (FCA) — Completed Actions

3621. FARM CREDIT ADMINISTRATION

CFR Citation: 12 CFR 600.1

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41933
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA00

3622. SENIOR DEPUTY GOVERNOR, DEPUTY GOVERNORS AND GENERAL COUNSEL

CFR Citation: 12 CFR 600.4

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41934
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA01

3623. OTHER ADMINISTRATIVE UNITS

CFR Citation: 12 CFR 600.5

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41934
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA02

3624. FARM CREDIT DISTRICTS AND INSTITUTIONS

CFR Citation: 12 CFR 600.10

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41933
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA03

3625. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

CFR Citation: 12 CFR 601.101; 12 CFR 601.126; 12 CFR 601.127; 12 CFR 601.140; 12 CFR 601.176

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41935
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA04

3626. PART 602 - RELEASING INFORMATION

CFR Citation: 12 CFR 602.260; 12 CFR 602.261

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41938
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples **703 883-4020**

RIN: 3052-AA06

3627. PART 603 - PRIVACY ACT REGULATIONS

CFR Citation: 12 CFR 603.300; 12 CFR 603.310; 12 CFR 603.340

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41941
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA07

3628. PART 604 - MEETINGS OF THE FEDERAL FARM CREDIT BOARD

CFR Citation: 12 CFR 604.300; 12 CFR 604.305; 12 CFR 604.310; 12 CFR 604.315; 12 CFR 604.320; 12 CFR 604.325; 12 CFR 604.330; 12 CFR 604.335; 12 CFR 604.340

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41942
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA08

3629. PART 614 - LOAN POLICIES AND OPERATIONS

CFR Citation: 12 CFR 614.4710; 12 CFR 614.4900

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41947
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA12

3630. PART 615 - FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

CFR Citation: 12 CFR 615.5010; 12 CFR 615.5103; 12 CFR 615.5105

Completed:

Reason	Date	FR Cite
End Review Agency decided not to change these sections of it regulation.	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA38

3631. PART 602 - RELEASING INFORMATION

CFR Citation: 12 CFR 602.200; 12 CFR 602.205; 12 CFR 602.215; 12 CFR 602.265

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41938
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA50

3632. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

CFR Citation: 12 CFR 601.130; 12 CFR 601.150; 12 CFR 601.165; 12 CFR 601.170; 12 CFR 601.180

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41936
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA53

3633. BANKS FOR COOPERATIVES

CFR Citation: 12 CFR 600.60

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41933
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA54

3634. PART 603 - PRIVACY ACT REGULATIONS

CFR Citation: 12 CFR 603.315; 12 CFR 603.320; 12 CFR 603.325; 12 CFR 603.330; 12 CFR 603.335

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41941
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA55

3635. PART 611 - ORGANIZATION

CFR Citation: 12 CFR 611.300; 12 CFR 611.500; 12 CFR 611.1031; 12 CFR 611.1100

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41941
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA56

3636. PART 612 - PERSONNEL ADMINISTRATION, SUBPART A -- HUMAN RESOURCES MANAGEMENT

CFR Citation: 12 CFR 612.2000; 12 CFR 612.2080; 12 CFR 612.2120

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41932
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA57

3637. PART 614 - LOAN POLICIES AND OPERATIONS

CFR Citation: 12 CFR 614.4051; 12 CFR 614.4530; 12 CFR 614.4710; 12 CFR 614.4900

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41932
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA58

3638. PART 615 - FUNDING AND FISCAL AFFAIRS

CFR Citation: 12 CFR 615.5495; 12 CFR 615.5496

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41948
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA61

3639. EQUAL HOUSING LENDER POSTER

CFR Citation: 12 CFR 613.3170

Completed:

Reason	Date	FR Cite
Final Action	11/20/87	51 FR 41947
Final Action Effective	11/20/87	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA62

3640. PART 617 - EXAMINATION, AUDITS AND INVESTIGATIONS

CFR Citation: 12 CFR 617.7000; 12 CFR 617.7010; 12 CFR 617.7020; 12 CFR 617.7030; 12 CFR 617.7050; 12 CFR 617.7080; 12 CFR 617.7100; 12 CFR 617.7110; 12 CFR 617.7120

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41948
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA64

3641. PUBLICATION OF REPORTS

CFR Citation: 12 CFR 618.8200

Completed:

Reason	Date	FR Cite
Final Action	11/20/86	51 FR 41949
Final Action Effective	11/20/86	51 FR 41932

Small Entity: No

Agency Contact: Kenneth L. Peoples 703 883-4020

RIN: 3052-AA65

3642. MERGERS, CONSOLIDATIONS AND TERRITORY TRANSFERS; CONSERVATORSHIPS AND RECEIVERSHIPS

CFR Citation: 12 CFR 611.1090; 12 CFR 611.1121; 12 CFR 611.1122; 12 CFR 611.1123; 12 CFR 611.1124; 12 CFR 611.1125; 12 CFR 611.1155-1161; 12 CFR 611.1165; 12 CFR 611.1167; 12 CFR 611.1170; 12 CFR 611.1175; 12 CFR 611.1180-1183

Completed:

Reason	Date	FR Cite
Final Action	09/12/86	51 FR 32432
Final Action Effective	10/13/86	51 FR 37549

Small Entity: No

Agency Contact: Gary L. Norton 703 883-4020

RIN: 3052-AA77

3643. DISTRICT DIRECTOR ELECTIONS

CFR Citation: 12 CFR 611

Completed:

Reason	Date	FR Cite
Notice of Agency Decision not to pursue changes in regulation	10/14/86	51 FR 36601

Small Entity: No

Agency Contact: Dorothy J. Acosta 703 883-4020

RIN: 3052-AA78

3644. ●BORROWER RIGHTS

CFR Citation: 12 CFR 614.4365; 12 CFR 614.4366; 12 CFR 614.4367; 12 CFR 614.4440; 12 CFR 614.4441; 12 CFR 614.4442; 12 CFR 614.4443; 12 CFR 614.4444; 12 CFR 614.4510; 12 CFR 614.4513; 12 CFR 615.5255; 12 CFR 618.8310; 12 CFR 618.8325

Completed:

Reason	Date	FR Cite
Final Action	10/28/86	51 FR 39486
Final Action Effective	10/28/86	51 FR 39486

Small Entity: No

Agency Contact: Gary L. Norton 703 883-4020

RIN: 3052-AA80

[FR Doc. 87-6637 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part L

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; April 1987

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167; 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Office of Managing Director, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of major and other significant proceedings.

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "Docket 79-164." When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William J. Tricarico,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3645	Satellite Communications	3060-AD70
3646	In the Matter of Revision of Part 21 of the Commission's Rules, CC Docket No. 86-128	3060-AD71
3647	MTS and WATS Market Structure Amendment of Part 67/Establishment of Joint Board	3060-AD89

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3648	Cellular Radio Licensing Procedures for Small Markets	3060-AD38

FCC

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3649	900 MHz G/NG Fixed	3060-AD55

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3650	STI, LAOAD, and LMCC Petitions	3060-AC91
3651	Additional Sharing of UHF TV Channels by Private LM Services	3060-AC93
3652	DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES	3060-AC96
3653	Public Safety National Plan	3060-AD66
3654	LTTS Reallocation	3060-AD67
3655	Part 15 Review (Auditory Assistance and Iggulton Petitions to be disposed of concurrent with this action)	3060-AD68

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3656	Utilization Policy - Fixed and Mobile Services 1-40 GHz (Reconsideration)	3060-AC92
3657	Technical Standards, Medical Ultrasonic Equipment - Part 18	3060-AC95
3658	SEIA - Remote Control/Security Devices	3060-AC97
3659	Technical Flexibility in the Mobile Communication Services	3060-AD00

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3660	Technical Deregulation: Part 73: TV	3060-AD58
3661	AM: New Look	3060-AD61
3662	Section 73.37(e): Petition for Reconsideration	3060-AD63
3663	Foreign Clears: Ct. Remand: Non-Technical Acceptance Criteria	3060-AD72
3664	FM Technical Clean-up	3060-AD74
3665	Main Studio Location	3060-AD75
3666	Noncommercial Broadcast: Issues-Programs Lists	3060-AD76
3667	AM Daytimers: Daylight Savings Time	3060-AD77
3668	Radio Multiple Ownership & Cross Ownership Rules	3060-AD78
3669	Satellite Television Stations	3060-AD79
3670	Radio Reading Services	3060-AD80
3671	Broadcast Call Signs	3060-AD81
3672	FM and TV Boosters	3060-AD82
3673	UHF Impact Policy/Carroll Doctrine	3060-AD83
3674	Daytimers Issues	3060-AD85
3675	AM Interference Standards	3060-AD86

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3676	Broadcast EEO	3060-AD73

FCC

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3677	DBS: Receiver Standards	3060-AD50
3678	Technical Deregulation: Part 73: VBI	3060-AD56
3679	Technical Deregulation: Part 74: Frequency Coordination	3060-AD57
3680	ITFS: Policies, Procedures & Regulations: 2nd Reconsideration	3060-AD59
3681	Cable TV: Satcom & Cable Ownership Reporting	3060-AD60
3682	LPTV National Filing Window	3060-AD62
3683	AM Antenna Proofs: Petition for Reconsideration	3060-AD64
3684	FM Directional Antenna	3060-AD84

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3685	External Frequency Controls	3060-AD53
3686	Wireline Common Carriers - Operation of SMRS	3060-AD54

PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3687	Part 90 Review - Subparts M&S incl. ASNA pet., Subpart S Wait List	3060-AD69

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3688	Jurisdictional Separations: Main Office Equipment and Interexchange Plant	3060-AD37

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Prerule Stage

3645. ● SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Abstract: The Commission seeks to develop a record & to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
ANPRM Comment Period End	06/15/87	
Final Action	06/00/88	
Final Action Effective	08/00/88	

FCC—CCB

Prerule Stage

Small Entity: Yes

Agency Contact: Rosalee Gorman or Fern Jarmulnik, Staff Attorney, Federal Communications Commission, 2025 M Street, N.W., Room 6324, Washington, D.C. 20554, 202 634-1624

RIN: 3060-AD70

3646. ● IN THE MATTER OF REVISION OF PART 21 OF THE COMMISSION'S RULES, CC DOCKET NO. 86-128

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r); 47 USC 154(i); 47 USC 303; 47 USC 4; 5 USC 553

CFR Citation: 47 CFR 21

Abstract: Make licensing procedure as efficient as possible for carriers and FCC staff, update and simplify the rules to reflect recent changes in the industry and the introduction of new communication services; and to eliminate those requirements that appear to be no longer necessary. By replacing a two-step licensing process with a one-step licensing process and eliminating unnecessary regulations, the burden on small businesses (applicants) will be substantially reduced, delays in implementing services will be minimized and service will be provided to the public in the most efficient and expeditious manner possible.

Timetable:

Action	Date	FR Cite
ANPRM	04/11/87	
R&O	06/00/87	

Small Entity: Yes

Agency Contact: Emily Williams, Legal Assistant, Federal Communications Commission, 1919 M Street, N.W., Room 6010, Washington, D.C. 20554, 202 634-1869

RIN: 3060-AD71

3647. ● MTS AND WATS MARKET STRUCTURE AMENDMENT OF PART 67/ESTABLISHMENT OF JOINT BOARD

Significance: Agency Priority

Legal Authority: 47 USC 410

CFR Citation: 47 CFR 67; 47 CFR 69

Abstract: With the issuance of this Further Notice of Proposed Rulemaking, we initiate a proceeding to examine the effects of (1) subscriber line charges, (2) the federal lifeline assistance program, and (3) our present measures to assist high cost telephone companies on the primary goals of our access charge proceeding. Preserving universal service, promoting economic efficiency, eliminating service pricing discrimination, and deterring uneconomic bypass are the four longstanding goals in our access charge proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/87	
R&D	00/00/00	

Small Entity: Yes

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286

Agency Contact: Cindy Work, Federal Communications Commission, 202 632-6363

RIN: 3060-AD89

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Proposed Rule Stage

3648. CELLULAR RADIO LICENSING PROCEDURES FOR SMALL MARKETS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 301; 47 USC 303; 47 USC 307; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 22.900

Abstract: Modification of licensing procedures for cellular mobile radio systems in smaller markets to make cellular radio service available more rapidly.

Timetable:

Action	Date	FR Cite
R&O	07/18/86	
FNPRM	10/16/86	
R&O	04/00/87	

Small Entity: Yes

Additional Information: cc 85-388

Agency Contact: G. Goldstein, Attorney, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-6450

RIN: 3060-AD38

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Prerule Stage

3649. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 74; 47 CFR 94

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-943 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
R&O	09/30/87	

Small Entity: Yes

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M St., NW, Rm. 7332, Washington, DC 20554, 202 653-8116

RIN: 3060-AD55

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Proposed Rule Stage

3650. STI, LAOAD, AND LMCC PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 90; 47 CFR 97

Abstract: STI Petition requests allocation of 216-222 MHz for NB land mobile operations; LAOAD Petition requests NB use of 216-220 MHz; and LMCC Petition requests NB use of 220-225 MHz.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	
NPRM	06/30/86	
R&O	09/30/87	

Small Entity: Yes

Additional Information: RM-4831, RM-4983, RM-4829

Agency Contact: **Fred Thomas**, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, **202 653-8112**

RIN: 3060-AC91

3651. ADDITIONAL SHARING OF UHF TV CHANNELS BY PRIVATE LM SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 303; 47 USC 332

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: Accommodation of projected requirements of private LM services would be partially met through further sharing of certain UHF-TV channels in the major markets.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
R&O	04/00/87	

Small Entity: Yes

Additional Information: 85-172

Agency Contact: **Julius Knapp**, Federal Communications Commission, 2025 M St., N.W., Rm. 7310, Washington, D.C. 20554, **202 653-8108**

RIN: 3060-AC93

3652. DORCMA/SEIA-REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: Review and overhaul of technical standards for remote control and security devices in Part 15. Initiated by petitions for rulemaking filed by Door Operator and Remote Control Manufactures association, the Security Equipment Industry Association, and Transcience Industries.

Timetable:

Action	Date	FR Cite
NPRM	10/22/86	
R&O	12/31/87	

Small Entity: Yes

Additional Information: RM-4637 and RM-4813

Agency Contact: **John Reed**, Federal Communications Commission, 2025 M St., N.W., Rm. 8302, Washington, D.C. 20554, **202 653-7313**

RIN: 3060-AC96

3653. ● PUBLIC SAFETY NATIONAL PLAN

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: Phase III of a project to meet spectrum allocation needs of the public safety community.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
R&O	09/00/87	

Small Entity: Yes

Agency Contact: **Larry Petak**, Federal Communications Commission, 2025 M Street, N.W., Room 7130, Washington, D.C. 20554, **202 632-7025**

RIN: 3060-AD66

3654. ● LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Abstract: Response to petition from Chadborne and Parke requesting secondary allocation of frequencies to the local transmission service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
R&O	12/00/87	

Small Entity: Yes

Additional Information: RM-5321

Agency Contact: **Ray LaForge**, Federal Communications Commission, 2025 M Street, N.W., Room 7328, Washington, D.C. 20554, **202 653-8108**

RIN: 3060-AD67

3655. ● PART 15 REVIEW (AUDITORY ASSISTANCE AND IGGULTON PETITIONS TO BE DISPOSED OF CONCURRENT WITH THIS ACTION)

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Abstract: Revision of Part 15 of the rules to open up consumer bands and re-establish emission limits based on interference potential.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
R&O	12/00/87	

Small Entity: Yes

Agency Contact: **John Reed**, Federal Communications Commission, 2025 M Street, N.W., Room 7122, Washington, D.C. 20554, **202 653-7313**

RIN: 3060-AD68

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3656. UTILIZATION POLICY - FIXED AND MOBILE SERVICES 1-40 GHZ (RECONSIDERATION)

Significance: Agency Priority

CFR Citation: 47 CFR 2; 47 CFR 21; 47 CFR 74; 47 CFR 78; 47 CFR 94

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	

Small Entity: Undetermined

Agency Contact: Don Campbell 202 653-8136

RIN: 3060-AC92

3657. TECHNICAL STANDARDS, MEDICAL ULTRASONIC EQUIPMENT - PART 18

Significance: Agency Priority

CFR Citation: 47 CFR 18.71 to 84

Completed:

Reason	Date	FR Cite
Final Action	09/30/86	

Small Entity: Yes

Agency Contact: Liliane Volcy 202 653-7316

RIN: 3060-AC95

3658. SEIA - REMOTE CONTROL/SECURITY DEVICES

Significance: Agency Priority

CFR Citation: 47 CFR 15.201 to 215

Completed:

Reason	Date	FR Cite
Handled with DORCMA Petition	09/30/86	

Small Entity: Yes

Agency Contact: John Reed 202 653-7313

RIN: 3060-AC97

3659. TECHNICAL FLEXIBILITY IN THE MOBILE COMMUNICATION SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 22; 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	09/18/86	

Small Entity: Yes

Agency Contact: Ray Hallman 202 632-7040

RIN: 3060-AD00

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Proposed Rule Stage

3660. TECHNICAL DEREGULATION: PART 73: TV

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Abstract: This item examines all of the technical TV broadcast rules for deregulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Mike Lewis, Federal Communications Commission, 202 632-9660

RIN: 3060-AD58

3661. AM: NEW LOOK

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73, Subpart A

Abstract: The Commission will consider adoption of a series of Notices of Inquiry and Notices of Proposed Rulemakings concerning the state of AM broadcasting, with particular focus on steps that could be taken to remove artificial or outdated impediments which prevent AM stations from competing effectively in the marketplace or which prevent more effective service to the public.

Timetable:

Action	Date	FR Cite
NOI	00/00/00	

Small Entity: Yes

Additional Information: mmb-313

Agency Contact: Wilson LaFollette, Federal Communications Commission, 202 632-5414

RIN: 3060-AD61

3662. SECTION 73.37(E): PETITION FOR RECONSIDERATION

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73.37(e)

Abstract: On October 31, 1985, the Commission adopted a Report and Order deleting the non-technical AM application acceptance criteria in Section 73.37(e) of the Commission's Rules. Reconsideration Requested.11

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
R&O	10/31/85	
MO&O	00/00/00	

Small Entity: Yes

Additional Information: mm-077 NPRM mm-85-39 R&O

Agency Contact: Jonathan David, Federal Communications Commission, 202 632-6955

RIN: 3060-AD63

3663. ● FOREIGN CLEARS: CT. REMAND: NON-TECHNICAL ACCEPTANCE CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73.3571

Abstract: Remand from the Court of Appeals of Commission decision regarding new stations to be established on Foreign Class I-A AM clear channels.

Timetable:

Action	Date	FR Cite
R&O	04/26/85	
MO&O	02/03/86	
FNPRM	00/00/00	

Small Entity: Yes

Additional Information: mm-84-281 mm-84-281(a)

Agency Contact: Jonathan David, Federal Communications Commission, 202 632-6955

RIN: 3060–AD72

3664. ● FM TECHNICAL CLEAN-UP

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.211; 47 CFR 73.206; 47 CFR 73.207; 47 CFR 73.213

Abstract: This rule making proceeding addresses FM station coverage prediction; intermediate frequency taboos; distance computations; and grandfathered short spaced facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/03/86	
R&O	06/30/87	

Small Entity: Yes

Additional Information: mmb-311 NPRM

Agency Contact: Michael Lewis, Federal Communications Commission, 202 632-9660

RIN: 3060–AD74

3665. ● MAIN STUDIO LOCATION

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 73.1125; 47 CFR 73.1130

Abstract: The Commission will consider whether to revise or eliminate the main studio and programming origination requirements of the Rules.

Timetable:

Action	Date	FR Cite
NPRM	10/16/86	
R&O	00/00/00	

Small Entity: Yes

Additional Information: mmb-410 NPRM

Agency Contact: Eileen Huggard, Federal Communications Commission, 202 632-7792

RIN: 3060–AD75

3666. ● NONCOMMERCIAL BROADCAST: ISSUES-PROGRAMS LISTS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3527

Abstract: The Commission will consider adopting a Report and Order to conform noncommercial stations issues/programs list public file requirement with that applicable to commercial stations.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	
R&O	06/30/87	

Small Entity: Yes

Additional Information: mm-83-670(b) mmb-418 NPRM

Agency Contact: Barbara A. Kreisman, Federal Communications Commission, 202 632-7792

RIN: 3060–AD76

3667. ● AM DAYTIMERS: DAYLIGHT SAVINGS TIME

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.99

Abstract: The Commission will consider whether to allow AM daytime-only stations to begin pre-sunrise operation at 6:00 a.m. for the month of April. This proceeding was initiated as a result of the enactment of legislation changing the beginning of Daylight Savings Time from the fourth to the first Sunday in April.

Timetable:

Action	Date	FR Cite
NPRM	01/06/87	
R&O	04/00/87	

Small Entity: Yes

Agency Contact: Lou Stephens, Federal Communications Commission, 202 632-6955

RIN: 3060–AD77

3668. ● RADIO MULTIPLE OWNERSHIP & CROSS OWNERSHIP RULES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3555

Abstract: The Commission has proposed to relax a portion of the "duoploy" rule as it applies to AM and FM station ownership. The Commission also has proposed to relax a section of the one-to-a-market" rule to permit combinations of AM, FM, and UHF television stations in the top fifty markets. Under the proposed rule, common ownership of radio-television combinations would be considered on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
R&O	00/00/00	

Small Entity: Yes

Additional Information: mmb-414 NPRM

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AD78

3669. ● SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.614

Abstract: The FCC proposes to: (1) eliminate authorization of satellites in urban areas of larger markets, allowing them only in rural areas that cannot economically support a full service operation; and (2) either remove restrictions limiting locally originated programming or, in the alternative, establishing a cap on the amount of programming originated once satellite operation has been justified. Also, the FCC seeks comment as to how urban and rural areas should be defined.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
R&O	00/00/00	

Small Entity: Yes

Additional Information: mmb-421 NPRM

Agency Contact: Barbara A. Kreisman, Federal Communications Commission, 202 632-7792

RIN: 3060–AD79

FCC—MMB

Proposed Rule Stage

3670. ● RADIO READING SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 73.593

Abstract: In this proceeding the Commission seeks comments on appropriate costs to be imposed by noncommercial educational radio stations for radio reading services for the visually impaired.

Timetable:

Action	Date	FR Cite
NPRM	01/16/87	
Policy Statement	06/30/87	

Small Entity: Yes

Additional Information: RM-5434(PRB) RM-5509 NOI

Agency Contact: Freda Lippert Thyden, Federal Communications Commission, 202 632-7792

RIN: 3060-AD80

3671. ● BROADCAST CALL SIGNS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.3550

Abstract: This proceeding examines the Commission's rules concerning assignment of call letters to broadcast stations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	
R&O	06/30/87	

Small Entity: Yes

Additional Information: mmb-424 NPRM

Agency Contact: Sharon Briley, Federal Communications Commission, 202 632-6302

RIN: 3060-AD81

3672. ● FM AND TV BOOSTERS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.2135; 47 CFR 74.1236

Abstract: This proceeding examines the Commission's rules regarding delivery of input signals to FM and TV booster power.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	
R&O	06/30/87	

Small Entity: Yes

Additional Information: mm-86-112 mmb-425 NPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060-AD82

3673. ● UHF IMPACT POLICY/CARROLL DOCTRINE

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 308(b)

CFR Citation: 47 CFR 73

Abstract: A study to re-examine the court's decision re Carroll Broadcasting Company vs. FCC, which held that the Commission, upon a proper showing should determine whether the economic effect of a new station would result in a net loss of service to an extent inconsistent with the public interest. The Commission will also re-examine its UHF impact policy, which essentially protects UHF television stations from adverse economic competition.

Timetable:

Action	Date	FR Cite
NOI	04/00/87	
Policy Statement	00/00/00	

Small Entity: Yes

Agency Contact: Judith Herman, Federal Communications Commission, 202 632-6302

RIN: 3060-AD83

3674. ● DAYTIMERS ISSUES

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.21

Abstract: The Commission will consider a proposal to provide nighttime operation for existing daytime-only stations and to end the licensing of new daytime-only stations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
R&O	00/00/00	

Small Entity: Yes

Agency Contact: Lou Stephens, Federal Communications Commission, 202 632-6955

RIN: 3060-AD85

3675. ● AM INTERFERENCE STANDARDS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 307(b)

CFR Citation: 47 CFR 73.182

Abstract: Inquiry into AM protection criteria such as protection ratios, contours to be protected, emission limitations, etc.

Timetable:

Action	Date	FR Cite
NOI	06/30/87	

Small Entity: Yes

Agency Contact: Wilson LaFollette, Federal Communications Commission, 202 632-5414

RIN: 3060-AD86

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Final Rule Stage

3676. ● BROADCAST EEO

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Abstract: The Commission will consider amending its rules and procedures regarding equal opportunities for employment in the broadcast industry. In particular, the Commission will consider new EEO reporting requirements in response to OMB's disapproval of the existing forms and their associated guidelines

FCC—MMB **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/14/85	
Interim Final Rule	10/31/86	
R&O	04/00/87	

Small Entity: Yes

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060-AD73

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Completed Actions

3677. DBS: RECEIVER STANDARDS

CFR Citation: 47 CFR 100

Completed:

Reason	Date	FR Cite
Final Action	08/07/86	
Final Action Effective	08/07/86	

Small Entity: Yes

Agency Contact: Bernard Gorden 202 632-9660

RIN: 3060-AD50

3678. TECHNICAL DEREGULATION: PART 73: VBI

CFR Citation: 47 CFR 73.682

Completed:

Reason	Date	FR Cite
Final Action	09/10/86	

Small Entity: Yes

Agency Contact: Bernard Gorden 202 632-9660

RIN: 3060-AD56

3679. TECHNICAL DEREGULATION: PART 74: FREQUENCY COORDINATION

CFR Citation: 47 CFR 74.5074; 47 CFR 74.51; 47 CFR 74.52; 47 CFR 74.54

Completed:

Reason	Date	FR Cite
Final Action	10/16/86	

Small Entity: Yes

Agency Contact: Hank Van Deursen 202 632-9660

RIN: 3060-AD57

3680. ITFS: POLICIES, PROCEDURES & REGULATIONS: 2ND RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 1.429; 47 CFR 74.913; 47 CFR 74.931; 47 CFR 74.932

Completed:

Reason	Date	FR Cite
Final Action	09/26/86	
Final Action Effective	09/26/86	

Small Entity: Yes

Agency Contact: Bruce Romano 202 632-9356

RIN: 3060-AD59

3681. CABLE TV: SATCOM & CABLE OWNERSHIP REPORTING

CFR Citation: 47 CFR 76.403

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: Yes

Agency Contact: Terry Haines 202 632-7792

RIN: 3060-AD60

3682. LPTV NATIONAL FILING WINDOW

CFR Citation: 47 CFR 73.3572

Completed:

Reason	Date	FR Cite
Final Action	02/02/87	

Small Entity: Yes

Agency Contact: Terry Haines 202 632-3894

RIN: 3060-AD62

3683. AM ANTENNA PROOFS: PETITION FOR RECONSIDERATION

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
Final Action	10/06/86	
Final Action Effective	10/06/86	

Small Entity: Yes

Agency Contact: John Reiser 202 632-9660

RIN: 3060-AD64

3684. ●FM DIRECTIONAL ANTENNA

Significance: Agency Priority

CFR Citation: 47 CFR 73.202; 47 CFR 73.213; 47 CFR 73.314; 47 CFR 73.315; 47 CFR 73.316

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/87	

Small Entity: Yes

Agency Contact: Bernard Gorden 202 632-9660

RIN: 3060-AD84

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Proposed Rule Stage

3685. EXTERNAL FREQUENCY CONTROLS

Legal Authority: 47 USC 4(i); 47 USC 303(c); 47 USC 303(f); 47 USC 303(g); 47 USC 303(r); 47 USC 332

CFR Citation: 47 CFR 90.203

Abstract: The FCC has proposed, on its own motion, to restrict the operation of radio equipment with external frequency selection capability on frequencies above 25 MHz allocated to the Private Land Mobile Radio Services.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/86	51 FR 6149
NPRM	01/30/86	51 FR 6149
Interim Final Rule	02/20/86	
NPRM Comment Period End	07/21/86	
FNPRM	06/00/87	
R&O	09/00/87	

Small Entity: Yes

Agency Contact: Rockie Patterson, Federal Communications Commission, **202 634-6497**

RIN: 3060-AD53

3686. WIRELINE COMMON CARRIERS - OPERATION OF SMRS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC has proposed amending Subparts M & S of Part 90 of its rules governing private land mobile radio to permit wireline common carriers to be eligible to apply for a license in the Specialized Mobile Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	07/03/86	
R&O	06/00/87	

Small Entity: Yes

Agency Contact: Nia Cresham, Federal Communications Commission, **202 634-2443**

RIN: 3060-AD54

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Final Rule Stage

3687. ● PART 90 REVIEW - SUBPARTS M&S INCL. ASNA PET., SUBPART S WAIT LIST

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.364; 47 CFR 90.627

Abstract: NPRM proposes to permit greater flexibility and enhanced service options for SMR licensees and end users. Includes proposals regarding loading standards, waiting list procedures and eligibility requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/16/86	51 FR 45025
ANPRM Comment Period End	02/20/87	
R&O	06/00/87	

Small Entity: Yes

Agency Contact: Nia Cresham, Federal Communications Commission, **202 634-2443**

RIN: 3060-AD69

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Completed Actions

3688. JURISDICTIONAL SEPARATIONS: MAIN OFFICE EQUIPMENT AND INTEREXCHANGE PLANT

Significance: Agency Priority

CFR Citation: 47 CFR 67; 47 CFR 10 to 14

Completed:

Reason	Date	FR Cite
R&O applying to part 30	12/12/86	51 FR 1234

Small Entity: Not Applicable

Agency Contact: Claudette Pride 202 491-7500

RIN: 3060-AD37

[FR Doc. 87-7124 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XLVII

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the April 1987 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

DATED: February 19, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Prerule Stage

Sequence Number	Title		Regulation Identifier Number
3689	12 CFR 335	Securities of Insured Nonmember Banks	3064-AA45
3690	12 CFR 308	Rules of Practice and Procedures: Subpart B -- Rules of Practice Generally	3064-AA64
3691	12 CFR 309	Disclosure of Information	3064-AA65
3692	12 CFR 311	Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3693	12 CFR 330	Clarification and Definition of Deposit Insurance Coverage	3064-AA68

Proposed Rule Stage

Sequence Number	Title		Regulation Identifier Number
3694	12 CFR 344	Securities Recordkeeping and Confirmations	3064-AA30

Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
3695	12 CFR 332	Powers Inconsistent with Purposes of Federal Deposit Insurance Law	3064-AA29

Completed Actions

Sequence Number	Title		Regulation Identifier Number
3696	12 CFR 304	Forms, Instructions, and Reports	3064-AA61
3697	12 CFR 341	Registration of Securities Transfer Agents	3064-AA76
3698	12 CFR 326	Procedures for Monitoring Bank Secrecy Act Compliance	3064-AA77
3699	12 CFR 337	Unsafe and Unsound Banking Practices	3064-AA74

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3689. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None.

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff will likely propose such conforming amendments for public comment following rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
Waiting SEC Rulemaking Action	00/00/00	

Small Entity: No

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 898-6885**

RIN: 3064-AA45

3690. RULES OF PRACTICE AND PROCEDURES: SUBPART B – RULES OF PRACTICE GENERALLY

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Legal Deadline: None.

Abstract: Subpart B to Part 308 prescribes rules of practice and procedures followed by the FDIC in hearings pursuant to the provisions of the Federal Deposit Insurance Act or other applicable law pertaining to involuntary termination of the insured status of any bank; issuance of cease-and-desist orders against any nonmember bank or its official; assessment of civil penalties against a bank or its official; issuance of orders that remove or suspend from office a director or officer of an insured nonmember bank; disapproval of a proposed acquisition of control of an insured nonmember bank; and imposition of sanctions upon a municipal securities dealer or a person associated with such a dealer.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Eugene A. Miller, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3705**

RIN: 3064-AA64

3691. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None.

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: James R. Dudine, Chief, Special Activities Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, **202 898-6750**

RIN: 3064-AA65

3692. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None.

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3813**

RIN: 3064-AA66

3693. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None.

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program. See 50 FR 14247, April 11, 1985.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Via, Jr., Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 898-3733**

RIN: 3064-AA68

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Proposed Rule Stage

3694. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None.

Abstract: The FDIC is proposing an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-6762

RIN: 3064-AA30

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Final Rule Stage

3695. POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2)

CFR Citation: 12 CFR 332

Legal Deadline: None.

Abstract: The FDIC is proposing to amend Part 332 of its regulations to: (1) subject to certain exceptions, prohibit any insured bank (including insured nonmember banks, national banks, state banks that are members of the Federal Reserve System, insured branches of foreign banks, and federally chartered saving banks insured by the FDIC) from directly engaging in the following: underwriting insurance, developing real estate, reinsurance, guaranteeing or becoming surety upon the obligations of others, insuring the fidelity of others, or engaging in a surety business, (2) require any subsidiary of an insured bank that conducts any of the prohibited activities to meet the criteria for a bona fide subsidiary set out in the regulation, (3) require notice to the FDIC of intent to invest in such subsidiary or become affiliated with any company that engages in such activities, (4) place certain restrictions on the affiliation of an insured bank with a company that engages in any of the prohibited activities, (5) place certain restrictions on extensions of credit and other transactions between insured banks and their subsidiaries or affiliates that engage in any of the prohibited (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/12/83	48 FR 40900
ANPRM Comment Period End	11/14/83	48 FR 40900
NPRM	12/13/84	49 FR 48552
NPRM Comment Period End	02/11/85	49 FR 48552
NPRM- Revised	06/07/85	50 FR 23964
Revised NPRM Comment Period Begin	06/07/85	50 FR 23964
Revised NPRM Comment Period End	07/22/85	
Final Action	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: activities, (6) require all insured banks that prior to the publication of this proposal established or acquired a subsidiary or became affiliated with a company that engages in the prohibited activities to conform to the regulation (with certain exceptions) within one year from the effective date of the regulation, (7) require any insured bank that as of the publication date of the proposal is directly engaging in any of the prohibited activities to conform to the regulation within one year of the effective date of the regulation with the exception that ongoing real estate developments may be completed, and (8) exclude a bank's direct investment in a subsidiary that engages in prohibited activities from the bank's consolidated capital.

The FDIC has extended the deadline for final agency action to September 15, 1987. See 52 FR 7443, March 11, 1987.

Analysis: Regulatory Impact Analysis; Revised Preliminary RIA 06/07/85 (50 FR 23964)

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3743

RIN: 3064-AA29

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Completed Actions

3696. FORMS, INSTRUCTIONS, AND REPORTS

Legal Authority: 12 USC 1817 to 1820; 5 USC 552

CFR Citation: 12 CFR 304

Legal Deadline: None.

Abstract: The FDIC has revised Part 304 of its regulations (12 CFR 304) which identifies the necessary forms and the places for obtaining the forms

used by insured banks for submitting reports and other information required by the FDIC. Part 304 had been selected for review under FDIC's Regulation Review Program (see 50 FR 14247, April 11, 1985) and was found to contain outdated information. The purpose of the revision was to remove obsolete information from the regulation, update information which still pertains, and add information not previously included. Also Part 304 has been reorganized in order to improve its clarity and overall utility.

Timetable:

Action	Date	FR Cite
Final Action	10/15/86	51 FR 36683
Final Action Effective	10/15/86	51 FR 36683

Small Entity: No

Agency Contact: John R. Keiper, Jr., Assistant Executive Secretary (Admin), Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3810

RIN: 3064-AA61

3697. ● REGISTRATION OF SECURITIES TRANSFER AGENTS

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 341

Legal Deadline: None.

Abstract: The FDIC has amended its regulations concerning the registration requirements of securities transfer agents. The change requires that a bank, acting as a transfer agent for covered securities, must file an updated amendment on Form TA-1 when any information contained in the form becomes inaccurate, misleading or incomplete. This amendment will conform the regulation with the instructions to Form TA-1 and with parallel regulations of the Federal Reserve Board, the Securities Exchange Commission, and the Comptroller of the Currency.

Timetable:

Action	Date	FR Cite
Final Action	01/12/87	52 FR 1182
Final Action Effective	01/12/87	52 FR 1182

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-6762

RIN: 3064-AA76

3698. ● PROCEDURES FOR MONITORING BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1819; 31 USC 5311

CFR Citation: 12 CFR 326

Legal Deadline: Statutory, January 27, 1987.

Abstract: This rule, which was issued jointly by the five Federal bank regulatory agencies, requires banks to establish and maintain procedures to assure and monitor compliance with the Bank Secrecy Act and the implementing regulations promulgated thereunder by the Department of Treasury.

Timetable:

Action	Date	FR Cite
Final Action	01/27/87	52 FR 2858
Final Action Effective	01/27/87	52 FR 2858

Small Entity: No

Agency Contact: R. Eugene Seitz, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 898-6793

RIN: 3064-AA77

3699. ● UNSAFE AND UNSOUND BANKING PRACTICES

Legal Authority: 12 USC 1819; 12 USC 1828; PL 97-320, Sec 442

CFR Citation: 12 CFR 337

Legal Deadline: None.

Abstract: On June 16, 1986, the Board of Directors of the FDIC granted the request of several petitioners that the FDIC reconsider the provisions of FDIC's rule governing securities subsidiaries and affiliates of insured nonmember banks which deal with the use of a common name or logo and separate offices. A request for comment on whether or not these provisions should be retained, modified, or eliminated was published at 51 FR 29657, August 20, 1986. Insured nonmember banks that prior to December 28, 1984, became affiliated with a securities company, or prior to that date established or acquired a subsidiary that engages in securities activities, were required to comply with the common name or logo and separate office restrictions of the regulation by December 31, 1986. The Board of Directors has extended the compliance deadline with these provisions of the regulation until June 30, 1987, for institutions that were subject to the December 31, 1986 deadline in order to provide staff further time to consider the comments and formulate a recommendation to the Board of Directors.

Timetable:

Action	Date	FR Cite
Final Action	12/22/86	51 FR 45755

Small Entity: No

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 898-3743

RIN: 3064-AA74

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Monday
April 27, 1987

Part XLVIII

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 87-6, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 34 rulemakings listed, 27 are current and projected rulemakings, 6 are completed actions, and 1 has been withdrawn.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

3700. NOI - REGULATION OF ELECTRICITY SALES - FOR RESALES AND TRANSMISSION SERVICE

Legal Authority: 16 USC 2601 to 2645 PURPA; 15 USC 791a to 828c FPA

CFR Citation: 18 CFR 290; 18 CFR 35

Legal Deadline: None.

Abstract: The Notice of Inquiry seeks information on the pricing and risk allocation for electric wholesale requirements service. RM85-17-000

Timetable:

Action	Date	FR Cite
Notice of Inquiry Phase I	06/04/85	50 FR 23446
Notice of Inquiry Phase II	07/05/85	50 FR 27604
End Review	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA68

3701. ● ABANDONMENT POLICY

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Commission proposes to review abandonment policy for generic treatment rather than case-by-case consideration, which is the Commission's present procedure.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA81

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3702. RETIREMENT UNITS OF NUCLEAR REACTOR PLANT EQUIPMENT

Legal Authority: 16 USC 825 to 825h Federal Power Act; 42 USC 7101 DOE Organization Act

CFR Citation: 18 CFR 35

Legal Deadline: None.

Abstract: Proposed rule would establish list of retirement units for nuclear reactor plants for purposes of the Commission's Uniform Systems of Accounts. Docket No. RM83-39-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA43

3703. FEES FOR HYDROPOWER PROJECTS

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None.

Abstract: The rulemaking would establish a fee for services performed by the Commission under the FPA for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825

North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA48

3704. REVISIONS TO PGA REGULATIONS

Legal Authority: 15 USC 717c Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 157

Legal Deadline: None.

Abstract: In view of the deregulation on January 1, 1985, the rulemaking addresses whether the Commission's PGA regulations should be revised to accommodate unexpected fluctuations in pipelines' purchased gas costs, and whether the PGA regulations should be revised to update them, standardize procedures, or codify Commission policy. Docket No. RM84-12-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA50

3705. NUCLEAR FUEL ACCOUNTING REGULATIONS

Legal Authority: 16 USC 825; 16 USC 825(c)(1); 16 USC 825(h) Federal Power Act; 42 USC 7101 Department of Energy Organization Act; EO 12009

CFR Citation: 18 CFR 101

Legal Deadline: None.

Abstract: This rule would revise and add accounts to treat nuclear fuel stock when a plant is deferred or cancelled. The rule will codify existing practice. Docket No. RM83-28-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA52

3706. EXEMPTION FROM THE LICENSING REQUIREMENTS OF PART I OF THE FEDERAL POWER ACT OF CERTAIN CATEGORIES OF SMALL HYDROELECTRIC POWER PROJECTS WITH AN INSTALLED CAPACITY OF 5 MW OR LESS

Legal Authority: 16 USC 823a Federal Power Act; 16 USC 2708 PURPA; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 4.109; 18 CFR 4.110; 18 CFR 4.111; 18 CFR 4.112

Legal Deadline: None.

Abstract: The Commission has requested a remand from the U.S. Court of Appeals for the D.C. Circuit of its categorical exemptions rule for small hydroelectric power projects in order to determine whether or not to repeal the categorical exemption regulations. Docket No. RM81-7-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA59

3707. ACCOUNTING AND RATEMAKING TREATMENT FOR NUCLEAR PLANT DECOMMISSIONING COSTS

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Legal Deadline: None.

Abstract: Rulemaking would establish appropriate accounting and ratemaking treatment for nuclear plant decommissioning costs that public utilities are beginning to incur. Docket No. RM85-5-000

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20246, 202 357-5597

RIN: 1902-AA64

3708. REVISIONS TO PGA REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 717c Natural Gas Act; 42 USC 7101 to 7352 (1982) DOE Organization Act

CFR Citation: 18 CFR 154.38

Legal Deadline: None.

Abstract: Should PGA regulations be revised to update them, standardize procedures or codify Commission policy. RM86-14

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA73

3709. OIL PIPELINE FEES

Significance: Agency Priority

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act; 42 USC 7101 to 7352 (1982) Department of Energy Organizat. Act; 49 USC 1 to 27 (1976) Interstate Commerce Act

CFR Citation: 18 CFR 346

Legal Deadline: None.

Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the Interstate Commerce Act for oil pipeline rates. RM83-35

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA75

3710. ● HYDROELECTRIC APPLICANTS SEEKING BENEFITS UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 ON PROJECTS LOCATED AT A NEW DAM OR DIVERSION. PETITION ALLEGING COMMITMENT OF (CONT)

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Pub. Utility Reg. Pol. Act of 1978; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 292; 18 CFR 375

Legal Deadline: None.

Abstract: This interim rule prescribes the form in which a petition alleging commitment of substantial monetary resources prior to the enactment of the Electric Consumers Protection Act of 1986 (ECPA) will be filed and processed. This petition, if granted, would except from some of the provisions of section 8 of ECPA a hydroelectric project that impounds or diverts the water of a natural watercourse by means of a new dam or diversion, for which benefits under section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) are sought, if application for license or exemption for the project is filed between October 16, 1986 and April 16, 1988. Docket No. RM87-8-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/20/87	52 FR 5276
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Substantial Monetary Resources.

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA78

3711. ● UPDATE OF FREEDOM OF INFORMATION ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978); 5 USC 552 to 553 (1982) Administrative Procedure Act

CFR Citation: 18 CFR 3; 18 CFR 388

Legal Deadline: None.

Abstract: The Commission proposes to update its regulations to reflect the recently enacted Freedom of Information Reform Act of 1986. The proposed rule will also update procedures by which members of the public may obtain information from the Commission under FOIA. Docket No. RM83-42-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA79

3712. ● NATURAL GAS RATE DESIGN

Significance: Agency Priority

Legal Authority: Not yet determined

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Commission will consider a proposal to seek new rate design methods for allocating gas supplies and capacity so that gas transmission will be unbundled from gas sales services and customers will pay only for gas purchased.

Timetable:

Action	Date	FR Cite
NPRM	06/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA82

3713. ● COMPUTERIZATION OF SECTION 4 RATE FILING DATA SUBMISSIONS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557 (1982) Administrative Procedure Act; 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: The Commission proposes to require natural gas pipeline companies to submit data currently required by the Commission for submission in a rate filing, on computer disk, magnetic tape or electric data transfer. Docket No. RM86-15-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA83

3714. ● FEES FOR HYDROELECTRIC PROJECT APPLICATIONS REQUIRED TO MEET TERMS AND CONDITIONS OF FISH AND WILDLIFE AGENCIES

Significance: Agency Priority

Legal Authority: PL 99-495 Electric Consumers Protection Act of 1986; 16 USC 791 to 825r Federal Power Act; 16 USC 2601 to 2645 (1982) Pub. Utility Reg. Pol. Act of 1978; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 11; 18 CFR 375

Legal Deadline: None.

Abstract: The Commission proposes to adopt new regulations governing applications for licenses and exemptions to implement section 7 (c) of the Electric Consumers Protection Act of 1986 (ECPA).Under the proposed rule, license and exemption applicants

for projects required to meet the terms and conditions of fish and wildlife agencies under section 30(c) of the Federal Power Act, as amended by section 7(b) of ECPA, would reimburse the National Marine Fisheries Service (NMFS), the United States Fish and Wildlife Service (USFWS), and the state agency responsible for fish and wildlife resources for any reasonable costs incurred in setting mandatory terms and conditions. The rule also proposes that any fees paid would be deducted from the total annual charge assessed against licensees under section 10(e) of the Federal Power Act for costs of administering Part I of the Federal Power Act. Docket No. RM87-6-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA84

3715. ● REGULATIONS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Significance: Agency Priority

Legal Authority: 42 USC 4321 to 4347 (1982) Nat'l Env. Policy Act of 1969; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 380

Legal Deadline: None.

Abstract: The Commission proposes to revise its regulations governing the collection, evaluation and dissemination of environmental information about Commission action, including any actions relating to non-Federal projects within the Commission's jurisdiction. The final regulations will replace or elaborate on existing Commission regulations and will reflect the policies and procedures of the NEPA regulations promulgated by the Council on Environmental Quality. Docket No. RM79-69-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA86

3716. ● CHANGES RELATING TO CORPORATE INCOME TAX RATE FOR PUBLIC UTILITIES

Significance: Agency Priority

Legal Authority: 16 USC 791 to 828c (1982) Federal Power Act; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009 3 CFR 142 (1978)

CFR Citation: 18 CFR 35

Legal Deadline: None.

Abstract: The Commission proposes to require public utilities to adjust their rates by application of a predetermined formula to reflect the 12 percent reduction in the corporate income tax contained in the recently enacted Tax Reform Act of 1986. Docket No. RM87-4-000.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA87

3717. ● ANNUAL CHARGES UNDER OMNIBUS BUDGET RECONCILIATION ACT OF 1986

Significance: Agency Priority

Legal Authority: PL 99-905 Title III, Subtitle E, Sec 3401 (1986) Omnibus; Budget Rec Act; 42 USC 7102 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978); 5 USC 551 to 557 (1982) Administrative Procedure Act; 15 USC 717 to 717w (1982) Natural Gas Act; 16 USC 791 to 828c (1982) Federal Power Act; 15 USC 3301 to 3402 (1982) Natural Gas Policy Act; 16 USC 2601 to 2645 (1982) Public Utility Reg. Policies Act; 49 USC 1 to 27 (1982) Interstate Commerce Act

CFR Citation: 18 CFR 375; 18 CFR 382

Legal Deadline: None.

Abstract: The Commission proposes to amend its regulations to establish annual charges as required by Section 3401 of the Omnibus Budget Reconciliation Act of 1986. These charges would be assessed against gas and oil pipelines and electric utilities. The charges would be based on the volumes of energy transported and sold by the gas pipelines and electric utilities, and on the operating revenues received by the oil pipelines. Docket No. RM87-3-000.

Timetable:

Action	Date	FR Cite
NPRM	01/28/87	52 FR 3128
NPRM Comment Period End	03/04/87	52 FR 3129
Final Action	05/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA89

3718. ● INQUIRY INTO ALLEGED ANTICOMPETITIVE PRACTICES RELATING TO MARKETING AFFILIATES OF INTERSTATE PIPELINES

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1978

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: The notice of inquiry seeks information about allegations of anticompetitive activity related to the relationship between interstate pipelines and their marketing affiliates. The notice of inquiry also seeks

FERC — Proposed Rule Stage

information on how to ensure competitive business practices by pipelines and their marketing affiliates in the natural gas sales and transportation markets. Docket No. RM87-5-000.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	11/14/86	51 FR 41982
NPRM	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA90

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Final Rule Stage

3719. REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

Legal Authority: 16 USC 791 to 828c Federal Power Act; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Legal Deadline: None.

Abstract: This will establish a uniform set of rules governing discovery in FERC trial-type hearings. Docket No. RM83-41-000.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30519
NPRM Comment Period End	10/01/84	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA13

3720. REVISION OF FERC RULES OF PRACTICE, SEPARATION OF FUNCTIONS AND EX PARTE RULES FOR TRIAL-TYPE PROCEEDINGS

Legal Authority: 5 USC 557

CFR Citation: 18 CFR 385.2201; 18 CFR 385.2202

Legal Deadline: None.

Abstract: Rule would establish uniform ex parte and separation of functions rules for all trial-type proceedings. Docket No. RM80-60-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/80	45 FR 36094
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA31

3721. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 79 to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None.

Abstract: Proposed rule would provide that a public utility that files electric rate schedules may include in rate base no cash working capital allowance, unless it is demonstrated that the payment of certain current operating expenses by that utility is not, on the average, closely timed with the receipt of revenues from ratepayers, producing a significant "lead" or "lag" in revenue collection in relation to the payment of expenses. The new section would prescribe the expense elements includable in cash working capital, the parameters of the presumption against a cash working capital allowance, and the nature of the studies that may be submitted in support of, or in opposition to, any request for a cash working capital allowance. Docket No. RM84-9.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	07/05/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA33

3722. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL; PART D

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act

CFR Citation: 18 CFR 154

Legal Deadline: None.

Abstract: The Commission seeks additional comment on its block billing procedures. In the original notice, the Commission proposed: -A three-part gas rate for pipeline gas sales, to preserve the benefits of "old" gas for existing firm sales customers and to mitigate competitive distortions resulting from the lingering effects of existing wellhead price controls; -A first block containing "old gas" under sections 104, 106(a) and 109 of the NGPA; -That after a pipeline permitted its firm sales customers to reduce 100 percent of their contract demands and offered those customers non-discriminatory self-implementing transportation, then the sales price assigned to the second block was presumed to be just and reasonable. The revised proposal is as follows: -Eliminating "Block 3" with revisions to clarify that the "as-billed" principle continues to apply to fixed costs; -Extending the base period to include the period between December 1, 1978, to December 31, 1984; -Including interruptible purchases for purposes of determining block 1 allocation factors; -Clarifying that the presumption of

justness and reasonableness for block 2 gas; -Clarifications re implementation. RM85-1-000.

Timetable:

Action	Date	FR Cite
NPRM	10/09/85	50 FR 42372
NPRM Comment Period End	11/18/85	50 FR 42372
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA70

3723. REVISIONS TO THE BILLING PROCEDURES FOR ANNUAL CHARGES FOR ADMINISTERING PART I OF THE FEDERAL POWER ACT AND TO THE METHODOLOGY FOR ASSESSING FEDERAL LAND USE CHARGES

Significance: Agency Priority

Legal Authority: 16 USC 803 Federal Power Act; 42 USC 7107 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 11.20; 18 CFR 11.21

Legal Deadline: None.

Abstract: The Proposed Rule would amend Part 11 of the Commission's regulations to revise the billing procedures for annual charges for administering Part I of the Federal Power Act and the methodology for assessing Federal land use charges. This Proposed Rule would also change the timing for licensees' submission of the data necessary for the computation of charges for administrative costs. In addition, under the rule proposed, hydropower licensees would be required to compute generation data on a fiscal year basis, instead of on a calendar-year basis, and to file these reports by November 1 instead of February 1. This Notice also proposes to change the Commission's system for computing land use charges. Docket No. RM86-2.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	51 FR 00211
NPRM Comment Period End	03/04/86	51 FR 00211
Notice requesting supplemental comments	01/02/87	52 FR 82
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: The full title of the NPRM and Notice is "Revisions to the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges."

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA71

3724. COMPRESSION ALLOWANCES AND PROTEST PROCEDURES UNDER NGPA SECTION 110

Significance: Agency Priority

Legal Authority: 15 USC 3301 to 3432 Natural Gas Policy Act of 1978; 42 USC 7101 to 7352 (1982) Department of Energy Organizat. Act; 5 USC 553 Administrative Procedure Act

CFR Citation: 18 CFR 271

Legal Deadline: None.

Abstract: The proposed rule would establish implementation and protest procedures for compression allowances under NGPA Section 110. The rule would specifically address how to allow for the recovery of fuel and power cost with respect to pre-NGPA compression systems. It would also address how to allow an aggrieved party to show how its area rate clauses are not subject to the presumption that these area rate clauses were intended to allow for the collection of a delivery allowance under NGPA Section 110. RM86-7

Timetable:

Action	Date	FR Cite
NPRM	07/31/86	51 FR 28102
NPRM Comment Period End	09/04/86	51 FR 28102
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA74

3725. CONSTRUCTION WORK IN PROGRESS

Significance: Agency Priority

Legal Authority: 16 USC 792 to 825r (1982) Federal Power Act; 42 USC 7101 to 7352 (1982) DOE Organization Act

CFR Citation: 18 CFR 35

Legal Deadline: None.

Abstract: On February 27, 1986, the Federal Energy Regulatory Commission issued a rule to specify interim procedures and filing requirements to be followed in cases where electric utilities request inclusion of construction work in progress in rate base, pending further Commission action on the remand by the U.S. Court of Appeals for the District of Columbia Circuit in "Mid-Tex Electric Cooperative, Inc. v. FERC", 773 F.2d 327 (D.C. Cir. 1985). RM86-6

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/27/86	57 FR 7774
Final Action	05/00/87	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902-AA76

3726. ● INFORMATION THAT EXISTING HYDROELECTRIC LICENSEES MUST MAKE AVAILABLE UPON NOTICE OF THEIR INTENTION TO FILE FOR AN APPLICATION FOR A NEW LICENSE

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r Federal Power Act; PL 99-495 Electric Consumers Protection Act of 1986; 42 USC 7101 to 7352 (1982) Dept. of Energy Organization Act; EO 12009, 3 CFR 142 (1978)

CFR Citation: 18 CFR 16

Legal Deadline: None.

Abstract: This interim rule prescribes the information that an existing hydroelectric licensee must make available to the public upon notifying

FERC **Final Rule Stage**

the Commission whether or not it intends to file an application for new license. Docket No. RM87-7-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Michael A. Stosser, Assistant General Counsel, Rulemaking and Legislative Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902-AA88

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Completed Actions

3727. WAIVER OF WATER QUALITY CERTIFICATION REQUIREMENTS OF SECTION 401 (A)(1) OF THE CLEAN WATER ACT

Significance: Agency Priority

CFR Citation: 18 CFR 4

Completed:

Reason	Date	FR Cite
Final Action	01/28/87	52 FR 5446
Final Action Effective	05/11/87	52 FR 5446

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA56

3728. REVISION OF FERC FORM NO. 73, OIL PIPELINE RATES FOR DEPRECIATION ANALYSIS

Significance: Agency Priority

CFR Citation: 18 CFR 357

Completed:

Reason	Date	FR Cite
Final Action	10/06/86	51 FR 35507
Final Action Effective	12/22/86	51 FR 35507

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA57

3729. HIGH COST GAS PRODUCED FROM TIGHT FORMATIONS

CFR Citation: 18 CFR 271.703

Completed:

Reason	Date	FR Cite
Withdrawn	12/11/86	51 FR 44634

Small Entity: Undetermined

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA60

3730. THIRD ANNUAL GENERIC RATE OF RETURN PROCEEDING

Significance: Agency Priority

CFR Citation: 18 CFR 37

Completed:

Reason	Date	FR Cite
Final Action	01/02/87	51 FR 11
Final Action Effective	02/01/87	51 FR 11

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA72

3731. ●CONFIDENTIAL TREATMENT OF RECORDS AND DOCUMENTS FILED WITH THE COMMISSION

Significance: Agency Priority

CFR Citation: 18 CFR 388

Completed:

Reason	Date	FR Cite
Final Action	01/06/87	52 FR 779
Final Action Effective	01/06/87	52 FR 779

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA77

3732. ●DELEGATION OF AUTHORITY TO DECIDE FREEDOM OF INFORMATION ACT AND GOVERNMENT IN THE SUNSHINE ACT APPEALS

Significance: Agency Priority

CFR Citation: 18 CFR 3; 18 CFR 375; 18 CFR 388

Completed:

Reason	Date	FR Cite
Final Action	01/28/87	

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA80

3733. ●STATEMENTS AND REPORTS (SCHEDULES): FORM EIA-767, STEAM-ELECTRIC PLANT OPERATION AND DESIGN REPORT AND FERC FORM NO. 549-ST, FORM OF SELF-IMPLEMENTING TRANSPORTATION REPORTS

Significance: Agency Priority

CFR Citation: 18 CFR 141; 18 CFR 250; 18 CFR 260; 18 CFR 284

Completed:

Reason	Date	FR Cite
Final Action	12/09/86	51 FR 44281
Final Action Effective	02/09/87	51 FR 44281

Small Entity: No

Agency Contact: Michael A. Stosser 202 357-5597

RIN: 1902-AA85

[FR Doc. 87-6639 Filed 04-24-87; 8:45 am]

BILLING CODE 6717-01-T

federal register

Monday
April 27, 1987

Part XLIX

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FEDERAL HOME LOAN BANK BOARD (FHLBB)

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 87-126]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the "April Unified Agenda of Federal Regulations."

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: February 10, 1987.

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Acting Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Final Rule Stage

3734. CONSERVATORS AND RECEIVERS

Legal Authority: 12 USC 1464; 12 USC 1724(d); 12 USC 1729; PL 99-120, Sec 6

CFR Citation: 12 CFR 547; 12 CFR 548; 12 CFR 549; 12 CFR 563.8-3, (proposed new section); 12 CFR 563.39(a); 12 CFR 569a; 12 CFR 569b, (proposed new Part); 12 CFR 569c, (proposed new Part)

Legal Deadline: None.

Abstract: The Board is proposing extensive revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which that are insured by the Federal Savings and Loan Insurance Corporation. The Board will unify the appointment of receiver procedures for state and federal institutions; adopt procedures for appointment of receivers under section 406(c)(1)(B) of the National Housing Act; and address the priorities in liquidation and participation interests in liquidation, which are absent from or inadequately covered in the present regulations. The Board is also proposing that its regulations cover topics such as the effect of the receivership appointment on executory contracts, employment agreements, certain "Golden Parachute" agreements, participation agreements, repurchase agreements, and on agreements relating to secured and unsecured borrowings by an insured institution, including agreements providing for prepayment or default penalties. The proposed regulations provide for new rules of general applicability in the areas previously mentioned, clarify existing provisions, and reorganize and recodify all the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 48970
Publication of Board Action	11/27/85	50 FR 48970
NPRM Comment Period End	01/22/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: regulations governing conservatorships and receiverships.

There are no alternatives being considered by the Board in lieu of the proposed regulation that would have less impact on small institutions, consistent with the intended result, than the concerns expressed in the supplementary information to the proposed rule and the existing statutory requirements concerning receiverships and conservatorships.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, **202 377-6428**

RIN: 3068-AA07

3735. DEFINITION OF REGULATORY CAPITAL

Legal Authority: 12 USC 1464(b); 12 USC 1726(b)

CFR Citation: 12 CFR 500 to 591 (revision of Chapter V); 12 CFR 541.17 (revised section); 12 CFR 541.20; 12 CFR 545.115; 12 CFR 561.13 (revised section); 12 CFR 563.17-4; 12 CFR 563.23-1; 12 CFR 563.23-2; 12 CFR 563.23-3; 12 CFR 563c.14; 12 CFR 570.4; 12 CFR 570.11; 12 CFR 570.12

Legal Deadline: None.

Abstract: The Board proposes to amend its regulations to require that all financial statements issued by insured institutions, including statements of condition required pursuant to 12 CFR 545.115, and all financial reports filed with the Board shall be prepared in accordance with generally accepted accounting principles. The proposed rule would also substitute the term "regulatory capital" for "regulatory net worth" and would define "regulatory capital" to mean the sum of equity capital as determined in accordance with generally accepted accounting principles plus certain other items as determined appropriate by the Board based on risk analysis report. The Board believes that these actions will aid its supervisory efforts in evaluating the viability of insured institutions and the related risk to the Corporation.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	04/24/86	51 FR 16542
Publication of Board Action	05/05/86	51 FR 16542
NPRM Comment Period End	07/07/86	51 FR 16542
Final Action	00/00/00	

Small Entity: No

Agency Contact: Christina M. Gattuso, Attorney, Regulations & Legislation Division, OGC, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 377-6649**

RIN: 3068-AA12

FHLBB — Final Rule Stage

3736. ● LOANS TO ONE BORROWER

Legal Authority: 12 USC 1421 to 1429; 12 USC 1464(c); 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.9-3

Legal Deadline: None.

Abstract: The Bank Board proposes to amend its regulation pertaining to loans to one borrower in a number of ways, most significantly to reduce the amount of aggregate loans to one borrower that may be made by an institution the accounts of which are insured by the FSLIC. The proposal is intended to reduce risk to insured institutions and the FSLIC without depriving institutions of appropriate operational flexibility.

To this end, the Board invites comment on all aspects of the proposal.

The Bank Board is soliciting comment on possible alternatives to the rule as proposed in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

The proposed rule would apply equally to all insured institutions.

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 30225
Publication of Board Action	08/25/86	51 FR 30225
NPRM Comment Period End	10/24/86	51 FR 30225

Next Action Undetermined

Small Entity: Yes

Analysis: Regulatory Flexibility Analysis

Agency Contact: Michael D. Solomon, Attorney, Litigation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6432

RIN: 3068-AA19

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Completed Actions

3737. CONVERSIONS FROM MUTUAL TO STOCK FORM AND ACQUISITIONS OF CONTROL OF INSURED INSTITUTIONS

Legal Authority: 12 USC 1464(i) (1) to (2); 12 USC 1464(o); 12 USC 1464(p); 12 USC 1725(j); PL 99-120, Sec 6

CFR Citation: 12 CFR 563b; 12 CFR 563b.20 to 33; 12 CFR 563b.34(a); 12 CFR 563b.35 to 36; 12 CFR 563b.38 to 40

Legal Deadline: None.

Abstract: The Board proposes to adopt technical amendments to its regulations governing voluntary supervisory conversions and modified conversions of mutual insured institutions to stock form. The purposes of the proposed amendments are to clarify several of the policies and interpretations of the Federal Home Loan Bank Board relating to the voluntary supervisory conversion process, to expedite the processing of voluntary supervisory conversion and modified conversion applications, and to facilitate the voluntary supervisory conversion and modified conversion procedures and encourage their use by insured institutions as capital-raising tools. In addition, the Board is proposing to remove the requirement that the offer and sale of capital stock in a voluntary supervisory conversion must constitute a non-public offering. The Board believes that by allowing insured institutions the option to publicly offer conversion stock, the use of the voluntary supervisory conversion procedure as a means of capitalizing and rehabilitating insolvent and financially troubled insured institutions will be encouraged.

Alternatives to the proposed regulation, which may or (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/17/85	50 FR 45414
Publication of Board Action	10/31/85	50 FR 45414
NPRM Comment Period End	11/25/85	
Final Action	10/17/86	51 FR 40127
Final Action Effective	11/05/86	51 FR 40127

Small Entity: No

Additional Information: ABSTRACT CONT: may not be considered by the Board, include rules such as the present rules, which have a tendency to limit the utility of the voluntary supervisory conversion and modified conversion procedures. More liberal alternatives could lead to questions of statutory authority.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Dean Shahinian, Attorney, Corporate and Securities Division, OGC, Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, 202 377-7289

RIN: 3068-AA06

3738. ● POWERS AND DUTIES OF FEDERAL ASSOCIATION AS TRUSTEE

Legal Authority: 12 USC 1464(a)

CFR Citation: 12 CFR 545.102, (revised section)

Legal Deadline: None.

Abstract: The Bank Board is revising its regulation to clarify and expand the limited authority of federally chartered savings and loan associations and savings banks to offer self-directed Individual Retirement Accounts and Keogh Plan accounts, to act as trustees of passive trusts, and to invest the funds of such accounts or trusts in assets other than their own accounts, deposits, obligations, or securities without obtaining prior Bank Board approval pursuant to 12 CFR 550.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above. The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	03/12/86	51 FR 9177
Final Action Effective	03/18/86	51 FR 9177

Small Entity: No

Agency Contact: Christina M. Gattuso, Attorney, Regulations & Legislation Div., Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street,

NW, Washington, DC 20552, 202 377-6649

RIN: 3068-AA14

3739. ● REGULATION OF DIRECT INVESTMENT BY INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1421 to 1429; 12 USC 1724 to 1730

CFR Citation: 12 CFR 563.9 - 8

Legal Deadline: Statutory, January 1, 1987. Present regulation expires on January 1, 1987.

Abstract: The Bank Board is adopting an interim final amendment to its regulation governing investments by institutions the accounts of which are insured by the FSLIC in equity securities, real estate, service corporations, and operating subsidiaries. This amendment will defer the expiration of the rule from January 1, 1987, to March 15, 1987. The Bank Board also intends to reopen the comment period through February 6, 1987, on the proposal of September 11, 1986, to extend the direct investment rule for two years. During this time, the Bank Board will hold a public hearing on January 29 and January 30, 1987, concerning extension of the direct investment rule for a longer period.

The Bank Board is soliciting comment on possible alternatives to the rule as proposed in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

The proposed rule would apply equally to all insured institutions.

Timetable:

Action	Date	FR Cite
NPRM	09/17/86	51 FR 32925
NPRM Comment Period End	10/17/86	51 FR 32925
Interim Final Rule	12/23/86	51 FR 47001
Final Action Effective	01/01/87	
Hearings to Begin Review 01/29/87 and	01/30/87	52 FR 80
Interim Final Rule	03/13/87	52 FR 7821
Final Action	03/16/87	

Small Entity: Yes

Analysis: Regulatory Flexibility Analysis

Agency Contact: Christina M. Gattuso, Attorney, Regulations & Legislation Div., Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6649

RIN: 3068-AA15

3740. ● GOLD BULLION COIN TRANSACTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1464(c); 12 USC 1724 to 1730; PL 99-185

CFR Citation: 12 CFR 524.1; 12 CFR 524.7; 12 CFR 524.13, (revised section); 12 CFR 526.2; 12 CFR 532.1; 12 CFR 545.74; 12 CFR 545.79, (revised section); 12 CFR 556.7, (revised section); 12 CFR 571.10, (revised section); 12 CFR 584.2-1

Legal Deadline: Statutory, October 1, 1986. American eagle gold coins will be available to the public beginning October 1, 1986.

Abstract: The Bank Board is amending its regulations pertaining to gold and gold related transactions to promote the sale of American eagle gold coins to be minted and issued by the United States Treasury. Specifically, the Bank Board is amending its regulations to permit Federal associations to purchase, sell, and pay interest or dividends in American eagles and to permit the Federal Home Loan Banks to engage in Transactions in the coins as a means of serving member institutions. The Bank Board is also amending its regulations to permit, to the extent authorized by applicable law, state-chartered insured institutions to purchase, sell, and pay interest or dividends in American eagles, and service corporations of insured institutions and multiple savings and loan holding companies to purchase and sell American eagles. American eagles will be available to the public beginning October 1, 1986, and the Treasury will apply any profit it makes to reducing the Federal debt.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above. (CONT)

Timetable:

Action	Date	FR Cite
Final Action	09/26/86	51 FR 34950
Final Action Effective	10/01/86	51 FR 34950

Small Entity: No

Additional Information: ABSTRACT CONT: The potential costs and benefits of the regulation on the industry have not been quantified.

Agency Contact: Michael D. Solomon, Attorney, Litigation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6432

RIN: 3068-AA16

3741. ● PRIVACY ACT OF 1974; NEW SYSTEM OF RECORDS

Legal Authority: 5 USC 552a

CFR Citation: 12 CFR 505a.13

Legal Deadline: None.

Abstract: The Bank Board is exempting a new system of records that will contain information concerning enforcement actions, crimes, and suspected crimes from meeting certain requirements of the Privacy Act. The new system of records would contain information concerning enforcement actions, crimes and suspected crimes involving financial institutions, and change of control applications filed by, and other significant business transactions with, individuals concerning institutions the accounts of which are insured by the FSLIC.

The only alternative to the rule would be not to establish the system of records, or not to exempt the system of records from certain provisions of the Privacy Act. Such an alternative would impede the gathering of material for law enforcement purposes. Moreover, because the rule governs internal agency procedures, and so does not require action by small entities, the alternative would not lessen any burden on small entities.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	12/15/86	51 FR 45877
Final Action Effective	12/23/86	51 FR 45877

Small Entity: Yes

Additional Information: The proposed rule would apply equally to all insured institutions.

Analysis: Regulatory Flexibility Analysis

Agency Contact: John Downing, Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1700 G

Street, NW, Washington, DC 20552, 202 653-2604

RIN: 3068-AA17

3742. ● NATIONWIDE LENDING, LOAN PARTICIPATIONS, AND LOAN RECORDKEEPING REQUIREMENTS

Legal Authority: 12 USC 1464(m); 12 USC 1725; 12 USC 1726; 12 USC 1730

CFR Citation: 12 CFR 545.13; 12 CFR 563.9, (revised section); 12 CFR 563.9-1; 12 CFR 563.17-1

Legal Deadline: None.

Abstract: The Bank Board proposes to bar all insured institutions from purchasing whole loans secured in a manner other than first liens on owner-occupied homes outside their normal lending territories from sellers with deficient capital or portfolio performance; permit insured institutions with demonstrable capital or portfolio weakness to engage in nationwide lending only pursuant to business plans and with the prior approval of their Principal Supervisory Agent; and permit insured institutions meeting their capital requirement and having a low ratio of nonperforming assets to make or purchase without prior approval nationwide loans that are neither scheduled items nor classified assets in an amount equal to regulatory capital and such loans which are home loans in an amount equal to twice regulatory capital, for an aggregate amount equal to three times regulatory capital.

The loan underwriting guidelines and documentation requirements set forth prudent lending requirements for insured institutions investing in certain types of loans. Alternatively, the Bank Board could have prohibited investment by insured (CONT)

Timetable:

Action	Date	FR Cite
Withdrawn Nationwide Lending and Loan Participation Requirements	08/15/86	51 FR 30874
Final Action Loan Recordkeeping Requirements	08/15/86	51 FR 30848
Final Action Effective	10/28/86	51 FR 30848

Small Entity: Yes

Additional Information: ABSTRACT CONT: institutions in certain loans or set a fixed dollar amount limit to investments in such loans. The Bank Board believes that such alternatives would have been less flexible and more restrictive for insured institutions.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Loan Recordkeeping Requirements portion of proposed rule went final; Nationwide Lending and Loan Participation Requirements portion of proposal was withdrawn.

The proposed rule would apply equally to all insured institutions.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joseph A. McKenzie, Director, Policy Analysis Division, Office of Policy and Economic Research, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 377-6763

RIN: 3068-AA18

3743. ● ORGANIZATION, PRACTICE AND PROCEDURE; OFFICE OF ENFORCEMENT

Legal Authority: 5 USC 552(a); 12 USC 1730(m); 12 USC 1730(a)(h)

CFR Citation: 12 CFR 500.15; 12 CFR 500.17, (revised section); 12 CFR 512.5

Legal Deadline: None.

Abstract: The Bank Board has revised its regulations governing the organization of the Bank Board and the channelling of its functions to reflect its recent creation of an Office of Enforcement. In addition, the Bank Board has amended the regulation governing the release of resolutions authorizing formal examinations and investigations to authorize the Office of Enforcement to approve or deny requests for such resolutions.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	02/24/86	51 FR 8790
Final Action Effective	03/14/86	51 FR 8790

Small Entity: No

Agency Contact: Marianne E. Roche, Deputy Director for Operations and Administration, Office of Enforcement, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 653-2609

RIN: 3068-AA20

3744. ● ORGANIZATION AND OPERATION

Legal Authority: 5 USC 552(a); 12 USC 1437; 12 USC 1437 App, Reorg. Plan No. 6 of 1961; 12 USC 1725

CFR Citation: 12 CFR 500.18; 12 CFR 500.40; 12 CFR 501.11; 12 CFR 522.90

Legal Deadline: None.

Abstract: The Bank Board has revised its regulations governing the organization and operation of the Bank Board by establishing a new Office of Regulatory Policy, Oversight, and Supervision as part of the Federal Home Loan Bank System. This organizational restructuring is a follow-up to the Bank Board's delegation of field examination functions to its Principal Supervisory Agents. It will enable the Bank Board to exercise more efficient oversight and control of the examination/supervision functions as performed by the Principal Supervisory Agents and their staffs at the Federal Home Loan Banks.

There are no alternatives that would be less burdensome than the rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
Final Action	07/24/86	51 FR 27165
Final Action Effective	09/27/86	51 FR 27165

Small Entity: No

Agency Contact: Randy W. Thomas, General Counsel, Office of the Director, Off. of Reg. Pol., Oversight & Supervision, Federal Home Loan Bank Board, 900 19th Street, NW, Room 627, Washington, DC 20006, 202 778-2524

RIN: 3068-AA21

[FR Doc. 87-6640 Filed 04-24-87; 8:45 am]

BILLING CODE 6720-01-T

FHLBB **Completed Actions**

Board, 900 19th Street, NW, Room 627, Washington, DC 20006, 202 778-2524

RIN: 3068-AA21

[FR Doc. 87-6640 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part XLVI

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Commission anticipates having under consideration during the period from April 1, 1987 to March 31, 1988 actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (October, 1986). This list will be made available to the press and interested groups.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3745	Public Information - Freedom of Information Act	3072-AA12
3746	Costs of Proceedings	3072-AA45
3747	Information Required for Section 18 Study	3072-AA50
3748	Independent Action - Miscellaneous Provisions	3072-AA53
3749	Information Form for Agreements: Miscellaneous Amendments	3072-AA55
3750	Automated Tariff Filing	3072-AA61
3751	Common and Contract Carriage - Miscellaneous Provision	3072-AA63
3752	Index of Documents for Agreements	3072-AA64
3753	Regulation of Agreements of Domestic Carriers - Miscellaneous Amendments	3072-AA68
3754	Ocean Freight Forwarders - Miscellaneous Amendments	3072-AA69
3755	User Fees to Recover Agency Costs	3072-AA70
3756	Miscellaneous Amendments to Regulations Implementing Section 19 of the Merchant Marine Act of 1920	3072-AA75
3757	Financial Responsibility of Passenger Vessel Operators for Non-Performance	3072-AA78
3758	Independent Action - Miscellaneous Provisions	3072-AA83
3759	Public Information - Miscellaneous Amendments	3072-AA84
3760	Rates Quoted Subject to Booking	3072-AA86
3761	Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984	3072-AA91
3762	Terminal Agreements and Leases - Exculpatory Provisions	3072-AA92
3763	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
3764	Service Contract Provisions; Most Favored Shippers and Liquidated Damages Clauses	3072-AA95

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3765	Definition of "Joint Service/Consortium"	3072-AA76
3766	Rules Implementing the Equal Access to Justice Act	3072-AA90
3767	Automobile Measurement Rule	3072-AA98

FMC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3768	Marine Terminal Agreements	3072-AA48
3769	Service Contracts	3072-AA62
3770	Inquiry Concerning Interpretations of Sections 8(a) and 8(c), Shipping Act of 1984; Excepted Commodities	3072-AA65
3771	Attorneys Fees in Reparation Proceedings	3072-AA72
3772	Tariff Publication of Free Time and Detention Charges Applicable to Carrier Equipment Interchanged With Shippers or Their Agents (Docket 85-19)	3072-AA73
3773	Conference Service Contract Authority	3072-AA87
3774	Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984	3072-AA88
3775	Rules Implementing Program Fraud Civil Remedies Act of 1986	3072-AA94
3776	Service Contract Record Retention and Production of Documents	3072-AA97

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3777	Rules of Practice and Procedure - Miscellaneous Amendments	3072-AA46
3778	Terminal Operator Tariffs-Exculpatory Provisions	3072-AA67
3779	Truck Detention at the Port of New York - Increase in Penalties	3072-AA79
3780	Combining Anti-Rebate Certification Forms for Non-Vessel-Operating Common Carriers and Freight Forwarders	3072-AA81
3781	Procurement Regulations	3072-AA85
3782	Definition of "Shipper"	3072-AA89
3783	Self Policing Requirements for Agreements Under the Shipping Act, 1916	3072-AA96

FEDERAL MARITIME COMMISSION (FMC) — Prerule Stage

3745. PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(b)(4); 46 USC app 841(a)

CFR Citation: 46 CFR 503

Legal Deadline: None.

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
End Review	07/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA12

3746. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Statutory, September 20, 1989.

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
End Review	03/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA45

3747. INFORMATION REQUIRED FOR SECTION 18 STUDY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR (New)

Legal Deadline: Statutory, September 20, 1989. Legal deadline applies to information to be compiled, not necessarily by a rulemaking.

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

FMC **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	09/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA50

3748. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate reporting and to clarify other situations with regard to this statutory right.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA53

3749. INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Legal Deadline: None.

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA55

3750. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None.

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
End Review	01/00/88	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA61

3751. COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702; 46 USC app 1716

CFR Citation: 46 CFR 510; 46 CFR 515; 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553; 46 CFR 560; 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA63

3752. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None.

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA64

FMC

Prerule Stage

3753. REGULATION OF AGREEMENTS OF DOMESTIC CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801 et seq

CFR Citation: 46 CFR 558 to 569

Legal Deadline: None.

Abstract: The Shipping Act, 1916, after amendment by the Shipping Act of 1984, applies only to domestic operations. In order to properly implement the 1984 Act, the Commission made the essential, limiting changes to its domestic regulations of agreements within the deadline established by the 1984 Act. This review will now determine what further, substantive changes in the domestic agreements may be desirable.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	03/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA68

3754. OCEAN FREIGHT FORWARDERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

Legal Deadline: None.

Abstract: Various amendments to 46 CFR Part 510 are being considered to clarify Ocean Freight Forwarder regulations and to better implement the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
Petition noticed in Federal Register	04/28/86	51 FR 15834
End Review	04/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA69

3755. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None.

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA70

3756. MISCELLANEOUS AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 19 OF THE MERCHANT MARINE ACT OF 1920

Legal Authority: 5 USC 553; 46 USC app 876(1)(b); 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 585

Legal Deadline: None.

Abstract: Review would determine necessity of updating the regulations to implement Section 19 of the Merchant Marine Act of 1920.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	04/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA75

3757. FINANCIAL RESPONSIBILITY OF PASSENGER VESSEL OPERATORS FOR NON-PERFORMANCE

Legal Authority: 5 USC 553; 46 USC app 817e; 46 USC app 841a; 46 USC app 1716

CFR Citation: 46 CFR 540

Legal Deadline: None.

Abstract: Review would attempt to develop a formula for the amount of bond required to ensure financial responsibility of passenger vessel operators for non-performance.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	05/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA78

3758. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	03/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA83

3759. PUBLIC INFORMATION - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 552b; 5 USC 553; EO 12356

CFR Citation: 46 CFR 503

Legal Deadline: None.

Abstract: Review would determine need to update regulations relating to Freedom of Information, Privacy and Sunshine Acts.

FMC **Prerule Stage**

Timetable:

Action	Date	FR Cite
Begin Review	07/00/86	
End Review	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA84

3760. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None.

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA86

3761. AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Action would completely review agreement regulations to accommodate changes since the enactment of the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/86	
End Review	03/01/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA91

3762. TERMINAL AGREEMENTS AND LEASES - EXCULPATORY PROVISIONS

Significance: Agency Priority

Legal Authority: 46 USC app 801; 46 USC app 814; 46 USC app 816 to 817; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 515; 46 CFR 516, (New); 46 CFR 558; 46 CFR 559; 46 CFR 560; 46 CFR 572

Legal Deadline: None.

Abstract: Review would determine whether further regulations are needed with regard to exculpatory provisions in terminal agreements and leases. (Docket No. 86-32).

Timetable:

Action	Date	FR Cite
Petition Noticed in Federal Register	07/10/86	51 FR 25101
Begin Review	08/10/86	
Petition Noticed in Federal Register	12/24/86	51 FR 46694
End Review	11/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA92

3763. ● FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None.

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	07/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA93

3764. ● SERVICE CONTRACT PROVISIONS; MOST FAVORED SHIPPERS AND LIQUIDATED DAMAGES CLAUSES

Legal Authority: 5 USC 553; 46 USC app 1707(c)

CFR Citation: 46 CFR 580

Legal Deadline: None.

Abstract: The Commission is reviewing the service contract regulations to determine the legality of permitting clauses involving liquidated damages or most favored shippers.

Timetable:

Action	Date	FR Cite
Petition for rulemaking	01/22/87	52 FR 2443
Begin Review	01/22/87	52 FR 2443
Extend time for comments	02/11/87	52 FR 4384
End Review	04/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA95

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

3765. DEFINITION OF "JOINT SERVICE/CONSORTIUM"

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Clarifies the definition of "Joint Service/Consortium" for purposes of agreement filing regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA76

3766. RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT

Legal Authority: 5 USC 504; 5 USC 553; 28 USC 2412

CFR Citation: 46 CFR 502

Legal Deadline: None.

Abstract: Rule would incorporate model provisions developed by the Administrative Conference of the United States into the Commission's regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/87	
NPRM Comment Period End	06/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA90

3767. ● AUTOMOBILE MEASUREMENT RULE

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847

CFR Citation: 46 CFR 550

Legal Deadline: None.

Abstract: The rule would permit carriers in domestic offshore commerce to rate automobiles on other than a weight or cube measurement basis.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	09/29/86	51 FR 34502
NPRM	02/09/87	52 FR 4040
NPRM Comment Period End	03/11/87	52 FR 4040
Final Action	06/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA98

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

3768. MARINE TERMINAL AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1705; 46 USC app 1706; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: The Shipping Act of 1984 created new procedures for agreements required to be filed with the Commission. This action institutes a new part 516 to accommodate terminal agreements which may involve both domestic and foreign commerce and establish exemptions for those types of terminal agreements which are not likely to have anti-competitive effects. (Docket 85-10).

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13617
Correction	05/10/85	50 FR 19727
NPRM Comment Period End	06/04/85	50 FR 19727
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Additional Information: This action treats one of the issues in former Docket 83-38 Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators (RIN - 3072-AA30).

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA48

3769. SERVICE CONTRACTS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 581; 46 CFR 580.7

Legal Deadline: None.

Abstract: Service Contract Rule at 46 CFR 580.7 is being reviewed to: clarify ambiguities and legal distinctions; provide for rational limitations to properly implement the Shipping Act of 1984 and to allow the maximum flexibility of use by carriers so as to promote wider use of service contracts in foreign commerce (Docket No. 86-6).

Timetable:

Action	Date	FR Cite
NPRM	02/18/86	51 FR 5734
NPRM Comment Period End	05/09/86	51 FR 13535
Final Action	04/00/87	
Final Action Effective	06/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA62

3770. INQUIRY CONCERNING INTERPRETATIONS OF SECTIONS 8(A) AND 8(C), SHIPPING ACT OF 1984; EXCEPTED COMMODITIES

Legal Authority: 5 USC 553; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1715; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: Section 8(a)(1) of The Shipping Act of 1984 exempts from tariff filing certain commodities such as bulk cargo, forest products, recycled metal scrap, waste paper and paper waste. This review will clarify the legal consequences of conferences which agree to fix rates on such commodities. (Docket No. 85-6)

Timetable:

Action	Date	FR Cite
ANPRM	03/18/85	50 FR 10807
Extend comment time to 05/17/85	04/10/85	50 FR 14122
ANPRM Comment Period End	04/17/85	50 FR 10807
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA65

3771. ATTORNEYS FEES IN REPARATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 821; 46 USC app 841a; 46 USC app 1710(g)

CFR Citation: 46 CFR 502

Legal Deadline: None.

Abstract: Section 11(g) of the Shipping Act of 1984 provides for reasonable attorneys' fees in Commission reparation proceedings. The action here would establish Commission policy with regard to eligibility, reasonableness and when to award. (Docket No. 86-27).

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/01/86	
NPRM	10/27/86	51 FR 37917
NPRM Comment Period End	12/12/86	51 FR 37917
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA72

3772. TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES APPLICABLE TO CARRIER EQUIPMENT INTERCHANGED WITH SHIPPERS OR THEIR AGENTS (DOCKET 85-19)

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 841a; 46 USC app 844; 46 USC app 1707; 46 USC app 1708; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 550.5; 46 CFR 580.5; 46 CFR 580.7

Legal Deadline: None.

Abstract: Docket 85-19 - Clarification of requirement that terms and conditions, including free time and detention, governing use of carrier-provided equipment by shippers or their agents be published in tariffs and service contracts. (Formal Rulemaking)

Timetable:

Action	Date	FR Cite
NPRM	08/08/85	50 FR 32097
NPRM Comment Period End	09/23/85	50 FR 32097
Final Action	06/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA73

3773. CONFERENCE SERVICE CONTRACT AUTHORITY

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None.

Abstract: Clarifies steamship conference authority over the use of service contracts under the Shipping Act of 1984 (Docket No. 86-16).

Timetable:

Action	Date	FR Cite
NPRM	05/02/86	51 FR 16354
NPRM Comment Period End	07/01/86	51 FR 16354
Final Action	05/00/87	
Final Action Effective	07/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA87

3774. AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Legal Authority: 5 USC 553; 5 USC app 1701 to 1707; 5 USC app 1709 to 1710; 5 USC app 1712; 5 USC app 1714 to 1717

CFR Citation: 46 CFR 572.103

Legal Deadline: None.

Abstract: Rule would provide that agreements subject to the Shipping Act of 1984 would affect only future or prospective activities and may not affect past activities or events. FMC Dkt. 85-22.

Timetable:

Action	Date	FR Cite
NPRM	12/17/85	50 FR 51418
NPRM Comment Period End	02/18/86	50 FR 51418
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA88

3775. ● RULES IMPLEMENTING PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 5 USC 553

CFR Citation: 46 CFR 502; 46 CFR 505

Legal Deadline: Statutory, April 21, 1987.

Abstract: The Program Fraud Civil Remedies Act of 1986 requires each

affected agency to promulgate final regulations by April 21, 1987.

Timetable:

Action	Date	FR Cite
Final Action	04/00/87	
Final Action Effective	05/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA94

3776. ● SERVICE CONTRACT RECORD RETENTION AND PRODUCTION OF DOCUMENTS

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1703; 46 USC app 1704; 46 USC app 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1715; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 580

Legal Deadline: None.

Abstract: Docket No. 86-29 - Will require carriers employing service contracts to keep records in U.S. and make them available to FMC upon request.

Timetable:

Action	Date	FR Cite
Correction	02/01/86	51 FR 43267
NPRM	11/13/86	51 FR 41132
NPRM Comment Period End	02/13/87	52 FR 1938
Final Action	06/00/87	
Final Action Effective	08/00/87	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA97

FEDERAL MARITIME COMMISSION (FMC) Completed Actions

3777. RULES OF PRACTICE AND PROCEDURE - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 822; 46 USC app 841a; 46 USC app 1710 to 1711; 46 USC app 1716

CFR Citation: 46 CFR 502

Legal Deadline: None.

Abstract: The Commission's Rules of Practice and Procedure are being reviewed to accommodate special situations such as requirements for filing appeals and requests for oral argument, petitions outside the scope of present Part 502 and special dockets, and amicus curiae appearances (Docket No. 86-22).

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29124
NPRM Comment Period End	09/15/86	51 FR 29124
Final Action Final Rule	02/10/87	52 FR 4140
Final Action Effective	03/12/87	52 FR 4140

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA46

3778. TERMINAL OPERATOR TARIFFS-EXCULPATORY PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1709(d)(1); 46 USC app 1716

CFR Citation: 46 CFR 515

Legal Deadline: None.

Abstract: The Commission has had a number of formal adjudication proceedings involving the legality of certain tariff clauses which exculpate, indemnify or save harmless the terminal operator for negligence. This action would provide needed clarification and specific guidelines for such clauses. (Docket No. 86-15).

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
NPRM	04/25/86	51 FR 15655
NPRM Comment Period End	06/24/86	51 FR 15655
Final Action Final Rule	12/24/86	51 FR 46668
Correction	01/15/87	52 FR 1629
Final Action Effective	02/23/87	51 FR 46668

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA67

3779. TRUCK DETENTION AT THE PORT OF NEW YORK - INCREASE IN PENALTIES

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 841a; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 530

Legal Deadline: None.

Abstract: Review would determine necessity of increasing certain penalties for truck detention at the Port of New York as requested by petition. (Docket No. 86-20).

Timetable:

Action	Date	FR Cite
Petition noticed in FR	12/27/85	50 FR 53012
NPRM	05/21/86	51 FR 18622
NPRM Comment Period End	07/21/86	51 FR 18622
Final Action	01/26/87	52 FR 2703
Final Action Effective	02/25/87	52 FR 2703

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA79

3780. COMBINING ANTI-REBATE CERTIFICATION FORMS FOR NON-VESSEL-OPERATING COMMON CARRIERS AND FREIGHT FORWARDERS

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 510; 46 CFR 582

Legal Deadline: None.

Abstract: Will result in the requirement of only one anti-rebate certification from firms which are freight forwarders and NVOs (Docket No. 86-19). Related to Docket No. 85-5.

Timetable:

Action	Date	FR Cite
NPRM	05/15/86	51 FR 17754
NPRM Comment Period End	06/15/86	51 FR 17754
Final Action	08/29/86	51 FR 30862
Final Action Effective	10/28/86	51 FR 30862

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA81

3781. PROCUREMENT REGULATIONS

Legal Authority: 41 USC 414; EO 12352

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Review would determine need to establish internal and interagency guidelines for procurement by the FMC.

Timetable:

Action	Date	FR Cite
Final Action Commission Order 112	09/29/86	
Final Action Effective	09/29/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA85

3782. DEFINITION OF "SHIPPER"

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 510; 46 CFR 572; 46 CFR 580

Legal Deadline: None.

Abstract: Review would determine if the term "shipper" needs clarification in various regulations, especially for service contracts, as requested by petition.

Timetable:

Action	Date	FR Cite
Petition noticed in FR	02/13/86	51 FR 5402
Begin Review	03/00/86	
Final Action Petition Denied	09/17/86	
Final Action Effective	09/17/86	

Small Entity: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA89

3783. ● SELF POLICING REQUIREMENTS FOR AGREEMENTS UNDER THE SHIPPING ACT, 1916

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 816; 46 USC app 817(a); 46 USC app 820; 46 USC app 833(a); 46 USC app 841(a)

CFR Citation: 46 CFR 568

Legal Deadline: None.

Abstract: Docket No. 86-26. Will remove requirements for domestic conferences to employ a neutral self policing body and report activities to FMC.

Timetable:

Action	Date	FR Cite
NPRM	10/08/86	51 FR 36034
NPRM Comment Period End	11/07/86	51 FR 36034
Final Action - Final rule removing Part 568	01/26/87	52 FR 2704
Final Action Effective	01/26/87	52 FR 2704

Small Entity: No

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA96

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April 27, 1987

Part LI

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Notice of Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from April 1 through October 1, 1987. The next Semiannual Agenda will be published in October 1987.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its April 1987 Agenda as part of the April 1987 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3784	Regulation: E - Electronic Fund Transfers	7100-AA77
3785	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System	7100-AA68
3786	Regulation: K - International Banking Operations	7100-AA67
3787	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
3788	Regulation: T - Credit by Brokers and Dealers	7100-AA70
3789	Regulation: T - Credit by Brokers and Dealers	7100-AA71
3790	Regulation: T - Credit by Brokers and Dealers	7100-AA72
3791	Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
3792	Rules Regarding Availability of Information	7100-AA73

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3793	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
3794	Regulation: E - Electronic Fund Transfers (Docket Number: R-0578)	7100-AA60
3795	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3796	Regulation: Q - Interest on Deposits (Docket Number R-0514)	7100-AA56
3797	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0536)	7100-AA51
3798	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3799	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0572)	7100-AA74
3800	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0567)	7100-AA66
3801	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0595)	7100-AA78
3802	Regulation: Z - Truth in Lending (Docket Number R-0545)	7100-AA50
3803	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Numbers: R-0587 through R-0592)	7100-AA76

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3804	Regulation: Z - Truth in Lending (Docket Number R-0577)	7100-AA75
3805	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Number: R-0515A, R-0515B, R-0515C)	7100-AA59

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

3784. ● REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: During the next six months, the Board will conduct a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological developments. Public comment will be requested on any proposals that may be developed following the review. It is not anticipated that revisions would have significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation E during the next six months	10/00/87	

Small Entity: No

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AA77

3785. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Legal Authority: 12 USC 321

CFR Citation: 12 CFR 208.8(e)

Abstract: The Board will consider issuing for comment an amendment to Regulation H designed to provide a decrease of approximately 20,000 burden hours in paperwork, as requested by the Office of Management and Budget. The regulation would be amended to raise the exemption from various record-keeping requirements in Regulation H for securities transactions, conducted by banks, from 200 to 1,000 transactions per year for customers over the prior three-calendar-year period, exclusive of transactions in U.S. government and federal agency obligations. This action would diminish burdens on smaller state member banks; therefore, the amendment would have no adverse effect on small banks.

This issue will be presented to the Board upon promulgation by the Department of the Treasury of final regulations concerning government securities transactions.

Timetable:

Action	Date	FR Cite
Board will consider amending Regulation H within the next six months	10/00/87	

Small Entity: No

Agency Contact: Robert S. Plotkin, Assistant Director, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2782

RIN: 7100-AA68

3786. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 601 et seq

CFR Citation: 12 CFR 211

Abstract: The Board will consider an amendment to its regulation governing the establishment of foreign operating subsidiaries by member banks. The amendment would eliminate the requirement in section 211.3(b)(9) of Regulation K that a member bank's operating subsidiary be established only where required by local law or regulation. The revision is intended to promote the efficiency of member banks' foreign operations. Because the revision would remove a restriction, it is not anticipated that comment will be requested.

The proposal would not have a significant economic impact on a substantial number of small businesses because it affects only U.S. banks operating abroad.

Timetable:

Action	Date	FR Cite
FINAL ACTION by	04/00/87	

Small Entity: No

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100-AA67

3787. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Abstract: During the next six months, the Board will conduct a zero-based review of Regulation P, which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve banks and for state member banks. The review will consider whether any provisions of the regulation are outdated and whether any substantive changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. Public comment will be requested following the zero-based review. It is not anticipated that the revised regulation will have a significant impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation P during the next six months	10/00/87	

Small Entity: No

Agency Contact: Barbara Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, 202 452-3742

RIN: 7100-AA69

3788. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: In 1987 the Board may propose an amendment to the definition of "OTC margin bond" in Regulation T. The purpose will be to permit marginability of all securities designated as "mortgage-related securities" in the Secondary Mortgage Market Enhancement Act of 1984.

It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	10/00/87	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA70

3789. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: During 1987 the Board may review a proposal submitted by several broker/dealers calling for an amendment to Regulation T to permit broker/dealers to facilitate the exercise of valuable employee stock options by employees. The method suggested would allow the broker/dealer to advance funds on a good faith basis for the exercise.

It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	10/00/87	

Small Entity: No

Agency Contact: Scott Holz, Attorney, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA71

3790. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: During the next six months the Board may consider proposing amendments to Regulation T to accommodate settlement and clearance of foreign securities in accounts covered by Regulation T. A request has been made that amendments be proposed because of the growing internationalization of the securities markets. It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	10/00/87	

Small Entity: No

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA72

3791. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: A provision of Regulation Y permits a state bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under state law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in

FRS

Proposed Rule Stage

effect in the interim (49 FR 794, January 5, 1984).

The Board plans to review this provision of the regulation in the near future. A determination to reverse the rule could have an adverse impact on many small banks that are subsidiaries of holding companies because they might be required to (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board will review further by	04/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: restructure their nonbanking activities or to take other action.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Legal Division, Federal Reserve System, 202 452-3430

RIN: 7100-AA41

3792. RULES REGARDING AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 12 CFR 261

Abstract: The Board's Rules Regarding Availability of Information are intended in part to fulfill the requirement of section 552 of Title 5 of the United States Code that every Federal agency shall publish in the Federal Register how the public may obtain information, make submittals or requests, and obtain decisions; how the agency's functions are channeled and determined; its rules of procedure and descriptions of forms available and the places where they may be obtained. The Board will consider issuing for comment revisions that simplify and improve these rules. The revision reorganizes the rules into appropriate subparts, and clarifies the procedures for requesting access to documents and information, the processing and disposition of such requests, and the procedures regarding the discretionary release of confidential information. The proposal also sets forth a revised fee schedule as required by the Freedom of Information Reform Act of 1986.

It is not expected that the proposal, if adopted, will have a significant economic impact on a substantial number of (CONT)

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment revisions to the rules by	04/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: small entities that would be subject to the regulation.

Agency Contact: Stephen L. Siciliano, Special Assistant to the General Counsel, Federal Reserve System, Legal Division, 202 452-3920

RIN: 7100-AA73

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

3793. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action within the next six months.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3778

RIN: 7100-AA62

3794. REGULATION: E - ELECTRONIC FUND TRANSFERS (DOCKET NUMBER: R-0578)

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: In August 1986, the Board proposed for comment amendments to Regulation E to address the

responsibilities of persons that issue access devices and provide electronic fund transfer services to consumers absent an agreement with the financial institutions holding the consumer's account (51 FR 28589, August 8, 1986). The amendments would clarify the responsibilities of these service-providers and the institutions holding the consumers' accounts for electronic fund transfers initiated through the service-providers. The amendments would (1) eliminate the requirement that service-providers furnish periodic statements to consumers; (2) require service-providers to provide the transaction identification to account-holding institutions; and (3) require account-holding institutions to identify electronic fund transfers initiated through the service-provider on periodic statements, in accordance with Regulation E. The amendments would also make changes in the initial disclosures required of the service-provider and extend the time allowed for giving notice to the service-provider of the loss or theft of an access device. (CONT)

Timetable:

Action	Date	FR Cite
Board issued for comment a proposal to amend Regulation E	08/08/86	51 FR 28589
Further Board action by	07/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: Although the proposed amendments are primarily intended to eliminate duplication of certain documentation currently provided to consumers, some small financial institutions may incur additional costs in providing customers with periodic statements that comply with Regulation E for the first time.

The Board solicited comment on the extent of this expense. The Board will review the comments and is expected to take further action during the next five months.

Agency Contact: Gerald P. Hurst, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AA60

3795. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of section 23A of the Federal Reserve Act (12 USC 371c) because it is not owned by a U.S. insured bank (50 FR 35238, August 30, 1985). In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. (CONT)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Further Board action by	04/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: The Board will review the comments and take further action within the next two months.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100-AA58

3796. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next four months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	06/00/87	

Small Entity: No

Agency Contact: Daniel L. Rhoads, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3711

RIN: 7100-AA56

3797. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0536)

Legal Authority: 12 USC 1841 et seq Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested comment as to whether it should permit bank holding companies that own nonbank banks to provide them with internal administrative services and to establish management interlocks with them (50 FR 2057, January 15, 1985). ("Nonbank banks" are institutions that are chartered as banks but either do not accept demand deposits or do not make commercial loans.) The Board took this action to resolve a number of questions that had been raised regarding the appropriate scope of relationships between nonbank banks and their affiliates. It is likely that any action the Board might take would primarily affect larger bank holding systems and would relax a requirement or prohibition. Therefore, it is expected that any Board action would not have a significant economic

impact on a substantial number of small entities.

The Board suspended further consideration of nonbank bank applications by bank holding companies, pending a definitive resolution, through pending litigation, of the status of nonbank banks.

Timetable:

Action	Date	FR Cite
Board requested comment	01/15/85	50 FR 2057
Awaiting Court Action	00/00/00	

Small Entity: No

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA51

3798. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper incident thereto for purposes of section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be permitted or prohibited from conducting these activities; and whether the Board should establish special capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action during the next six months	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks.

The Board will review the comments and is expected to take further action within the next six months.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA52

3799. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0572)

Legal Authority: 12 USC 1841 Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In May 1986, the Board requested comment on whether it should modify, eliminate, or retain the current restrictions it imposes on the operation by a bank holding company of a thrift institution in tandem with the holding company's other subsidiaries (51 FR 18797, May 22, 1986). These conditions were initially imposed after public comment and are designed to maintain the distinction and separation between thrifts and banks. The Board has received requests for relief from these conditions to permit thrifts acquired by bank holding companies to jointly market and sell products and services with other holding company affiliates, cross-advertise the services and products of affiliates, and conduct certain transactions with affiliates.

Few small banks and holding companies are subject to the conditions on tandem operations, and action in this area will not directly affect the operation of a significant number of small entities. However, the Board has requested comment on whether relief from the conditions will affect competition between (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/86	51 FR 18797
Further Board action by	04/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: thrifts owned by bank holding companies and banks and bank holding companies, including small entities, located in the same market.

The Board will review the comments and is expected to take further action within the next two months.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA74

3800. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0567)

Legal Authority: 12 USC 3907; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225, Appendix A

Abstract: In January 1986, the Board proposed for comment an amendment to its Capital Guidelines that would provide for a supplemental adjusted capital measure designed to be more systematically and explicitly sensitive to the risk exposure of individual banking organizations. This measure would be based on a ratio of primary capital to total assets adjusted to account for certain types of risks, including many kinds of off-balance-sheet risk. On January 8, 1987, the Board voted to seek public comment on a revised risk-based capital proposal (52 FR 5119, February 19, 1987). This

revised proposal represents an effort to coordinate the risk-based capital proposals of the three federal banking agencies with similar capital proposals of the Bank of England, and the proposal is based on a proposed United States/United Kingdom Capital Agreement. The revised proposal contemplates certain adjustments to the definition of capital as well as the placement of assets in certain broad risk categories. Although the revised proposal contemplates a minimum risk-based ratio for state member banks and bank holding companies, the Board has not proposed a specific minimum ratio at this time. It is (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	01/31/86	51 FR 3976
Comment period extended	04/11/86	51 FR 12865
Board requests comment on revised proposal	02/19/87	52 FR 5119
Further Board action by	06/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: not contemplated that the ratio, where proposed, will require small bank holding companies that operate above the current minimum capital ratio to raise additional capital. Consequently the proposal is not likely to have a significant impact on smaller banking organizations.

The Board will review the comments on its revised proposal and coordinate with other federal banking agencies and the Bank of England. Further action is expected after June 1, 1987.

Agency Contact: James E. Scott, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3513**

RIN: 7100-AA66

3801. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0595)

Legal Authority: 12 USC 1817(j)(13) Bank Holding Company Act

CFR Citation: 12 CFR 225.43

Abstract: In January 1987, the Board proposed amending Regulation Y to implement certain amendments to the Change in Bank Control Act ("CBCA") made by the Anti-Drug Abuse Act of 1986. Under this proposal, notificants under the CBCA would be required to publish an announcement of a proposed acquisition of shares of a bank or bank holding company in a newspaper of general circulation in communities where the bank or bank holding company to be acquired is located (52 FR 3447, February 4, 1987). The proposed regulation provides an exception to the publication requirement where disclosure would threaten the safety or soundness of the bank to be acquired.

As required by the Anti-Drug Abuse Act, the proposed regulation states that the Board shall conduct a background investigation of each notificant under the CBCA and shall make an independent determination of the accuracy and completeness of the information submitted. The Board may also extend processing of the notice under certain circumstances. The proposal is not expected to have a significant economic impact on a substantial number of small entities, and would have the benefit of (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	02/04/87	52 FR 3447
Further Board action by	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: permitting such entities, as well as other members of the public, an opportunity to comment on proposed changes in the control of banks and bank holding companies. The Board will review the comments and take further action within the next six months.

Agency Contact: Scott G. Alvarez, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3583**

RIN: 7100-AA78

3802. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0545)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: Regulation Z currently requires that creditors provide information to consumers regarding variable rate features in credit transactions. Concern has been expressed in Congress and elsewhere about whether Truth in Lending disclosures adequately convey to consumers the terms and potential costs of adjustable rate mortgages (ARMs).

In November 1986, the Board proposed that creditors make more extensive disclosure of the variable rate feature in transactions secured by the consumer's home (51 FR 42241, November 24, 1986). The proposal would amend the regulation to require that creditors provide consumers general descriptive material about adjustable rate mortgages as well as provide a more detailed description of their variable rate feature along with an example showing the effect of historical changes in a creditor's index over a 15 year period on the payments and balance on a $10,000 loan. The maximum interest rate and payment under the creditor's program for a $10,000 loan would also be stated. Finally, the proposal would require annual notices of interest rate adjustments and prior notice of payment (CONT)

Timetable:

Action	Date	FR Cite
Board proposed amendment	05/15/85	50 FR 20221
Revised proposal issued for comment	11/24/86	51 FR 42241
Further Board action by	04/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: adjustments.

The Board is concerned about creditor burdens of compliance with the overlapping and duplicative disclosures in this area. This proposal was recommended to the Board and to the Federal Home Loan Bank Board (FHLBB) and the Comptroller of the Currency (OCC) in response to the concern for uniform federal ARMs disclosure regulations. The Board believes that adoption of the proposal by the Board (and by the FHLBB and OCC) will eliminate the present problem with inconsistent federal ARMs disclosure regulations.

If the Board adopts this proposal, mortgage creditors, including small businesses engaged in mortgage lending, could incur some costs in revising and reprinting forms, and changing certain procedures to comply

FRS

Final Rule Stage

with the requirement. Before any final action, the Board would consider appropriate actions to minimize the burdens and costs of compliance. Further Board action is expected within the next two months.

Agency Contact: Michael Bylsma, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA50

3803. ● FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBERS: R-0587 THROUGH R-0592)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In December 1986, the Board requested comment on several proposals that would refine its policy statement on payment system risk (51 FR 45042, December 16, 1986). The proposals include a policy to reduce the risks associated with daylight overdrafts resulting from clearing trades in book-entry securities (R-0587), a proposal to reduce the levels of the sender net debit cap (R-0588), a proposal to reduce the burden on smaller institutions by adopting a "de minimis" cap category (R-0589), proposals regarding consolidation of affiliated institutions for purposes of monitoring compliance with the Board's program (R-0590), modifying automated clearing house transactions to reduce risk (R-0591), and various proposals to charge a fee for daylight overdrafts as a way of reducing risks associated with them.

The Board will review the public comments and take further action within the next three months.

It is not expected that these proposals, if adopted, would have a significant economic impact on a substantial number of small entities, because small entities do not usually (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	12/16/86	51 FR 45042
Further Board action by	05/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: participate in large-dollar wire transfer systems. While small entities do participate in automated clearing houses, the Board's proposal in this area is primarily procedural, and not likely to have a significant economic impact on ACH participants.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA76

FEDERAL RESERVE SYSTEM (FRS)

Completed Actions

3804. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0577)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: In August 1986, the Board proposed for comment an amendment to Regulation Z to exempt from the rescission provisions of the regulation refinancings by creditors other than the original creditor where consumers are not increasing their exposure to risk in using their homes to secure a debt (51 FR 28245, August 6, 1986). The Board also proposed to redefine what constitutes a new advance of money obtained by a consumer for purposes of the existing exemption for refinancings. Regulation Z requires that consumers be given the right to rescind certain credit transactions where an extension of credit is secured by a consumer's principal dwelling. An exemption applies to refinancings by the original creditor if no new advances of money are obtained by the consumer.

Following review of public comments, the Board adopted a final rule in December 1986 (51 FR 45296, December 18, 1986). The Board withdrew its proposal to amend Regulation Z to exclude certain transactions by a creditor other than the original creditor from the right of rescission. The Board adopted the proposal redefining what constitutes a new advance of (CONT)

Timetable:

Action	Date	FR Cite
Board requested comment	08/06/86	51 FR 28245
Board adopted amendment	12/18/86	51 FR 45296

Small Entity: No

Additional Information: ABSTRACT CONT: money for purposes of the existing exemption for refinancings.

It is expected that this amendment will reduce the number of transactions for which creditors will need to provide consumers with a notice of their rescission rights and an opportunity to rescind. Therefore, it is likely that creditors, including small entities, will not incur any additional costs as a result of the change.

Agency Contact: Leonard Chanin, Staff Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA75

3805. FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBER: R-0515A, R-0515B, R-0515C)

Legal Authority: 12 USC 221 et seq

CFR Citation: 00 CFR None

Abstract: In the October Agenda the Board indicated it was reviewing certain aspects of its May 1985 policy statement on reducing risks on large-dollar wire transfer systems and requested comment on the following: (1) transfers for book-entry securities, (2) risks associated with Automated Clearing House payments, and (3) risks associated with net settlement services offered by the Federal Reserve. The Board considered its policy further on December 3, 1986 and issued for comment a series of proposals under new Docket Numbers. (See entry regarding Docket Numbers R-0587 through R-0592 in the second section of this agenda, Final Rule Stage).

Timetable:

Action	Date	FR Cite
Board requested comment	05/22/85	50 FR 21130
Board extended comment period until	09/30/85	

FRS **Completed Actions**

Action	Date	FR Cite
Revised proposal issued for comment	12/16/86	51 FR 45043

Small Entity: No

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**

RIN: 7100-AA59

[FR Doc. 87-6642 Filed 04-24-87; 8:45 am]

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Monday
April 27, 1987

Part LII

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of certain future actions. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding.

By direction of the Commission.

Emily H. Rock,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3806	Review of the Funeral Industry Practices Rule	3084-AA05
3807	Cooling-Off Period for Door-to-Door Sales	3084-AA18
3808	Mail Order Merchandise	3084-AA19
3809	Franchising and Business Opportunities	3084-AA25
3810	Review of Content Disclosure Requirements for Textile, Wool, and Fur Products	3084-AA29
3811	Informal Dispute Settlement Procedures	3084-AA30

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3812	Ophthalmic Practice Rules	3084-AA03
3813	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3814	Proprietary Vocational and Home Study Schools	3084-AA11
3815	Retail Food Store Advertising and Marketing Practices	3084-AA17
3816	Review of the Premerger Notification Rules and Report Form	3084-AA23
3817	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3818	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3819	Amendment to Labeling and Advertising of Home Insulation Rule	3084-AA09
3820	Mobile Home Sales and Service	3084-AA10
3821	Pre-Sale Availability of Written Warranty Terms	3084-AA15
3822	Negative Option Rule	3084-AA33

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

3806. ● REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Abstract: The funeral industry practices rule, which became effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking to determine whether the Rule should be amended or terminated. The staff has begun investigating the current state of the industry to assess the impact of the Rule and to prepare for that proceeding.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/87	
ANPRM	04/00/88	

Small Entity: Yes

Agency Contact: Raouf M. Abdullah, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 326-3024

RIN: 3084-AA05

3807. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/00/83	48 FR 9032
Staff Recommendations to Commission	04/00/87	
Commission Consideration of Staff Recommendations	05/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission is continuing its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff is exploring non-substantive changes in the notices required by the rule. Staff is also studying possible exemptions for sales of automobiles at public auctions and sales of arts and crafts at fairs.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3009

RIN: 3084-AA18

3808. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered

merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
Staff Recommendations to Commission (if appropriate)	09/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission has reviewed this rule and determined that it has not had a significant economic impact on a substantial number of small entities. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means. Whether changes to the rule will be proposed will not be determined until the staff's review has been completed.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2973

RIN: 3084-AA19

3809. FRANCHISING AND BUSINESS OPPORTUNITIES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 436

Abstract: The franchise trade regulation rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the rule. In some instances prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the rule. The rule requires disclosure of (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	12/21/78	43 FR 59614
Begin Reg Flex Act Review	03/00/84	
Request for Comment on Reg Flex Review	02/24/86	51 FR 6422
End Reg Flex Review	05/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: certain information. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission is reviewing this rule to examine its impact on small entities and assess whether any modifications are needed.

Agency Contact: John M. Tifford, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2968

RIN: 3084-AA25

3810. ● REVIEW OF CONTENT DISCLOSURE REQUIREMENTS FOR TEXTILE, WOOL, AND FUR PRODUCTS

Legal Authority: 15 USC 68b(d); 15 USC 70j; 15 USC 69f(b)

CFR Citation: 16 CFR 300, (Wool); 16 CFR 301, (Fur); 16 CFR 303, (Textile)

Abstract: The Wool Products Labeling Act of 1939 Requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Textile Fiber Products Identification Act requires each household textile product to bear a label showing the percentage of each fiber contained in the product, using the appropriate generic name for the fiber, and the name of the manufacturer or distributor. Advertisements for textile products must also show the required information if any mention of fiber content is made. Both acts require disclosure of country of origin. The Fur Products Labeling Act requires that all furs and fur products be labeled, invoiced, and advertised to show the true name of the animal that produced the fur, whether the fur is used, dyed, or imported, and the name of the manufacturer or distributor. The three acts, as well as the Commission's rules implementing them, apply to manufacturers, distributors, and retailers of textile, wool, and fur products,(cont)

FTC

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	10/30/86	
Commission consideration of Staff Recommendations	10/00/87	
NPRM -- Recordkeeping	01/00/88	

Small Entity: Undetermined

Additional Information: The Commission's staff is currently reviewing the information collection requirements contained in the several regulations under the three acts to determine whether enforcement of the statutory requirements can be accomplished with a reduced public burden. As a result of this review, amendments may be proposed.

Agency Contact: James Mills, Federal Trade Commission, 202 326-3035

RIN: 3084-AA29

3811. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission has begun a review of the rule to examine whether the rule has had a significant economic impact on a substantial number of small entities and to assess whether any changes are needed. As part of that review, the Commission has begun a regulatory negotiation process in which an advisory committee will seek to reach a consensus and recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Begin Reg Flex Act Review	09/00/85	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Advisory Committee Report to Commission	07/00/87	
NPRM (if appropriate)	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms.

Agency Contact: Joseph Kattan, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, 202 326-3134

RIN: 3084-AA30

FEDERAL TRADE COMMISSION (FTC)

Proposed Rule Stage

3812. OPHTHALMIC PRACTICE RULES

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could impose additional (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Rebuttal Period Ends	09/18/85	
Staff Report	11/17/86	51 FR 43217
Presiding Officer Report	11/26/86	51 FR 43217
Comment Period End	03/13/87	
Commission Consideration of Final Rule	07/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff. In January, 1985 the Commission published an NPRM seeking public comment on a proposed trade regulation rule that would have the effect of superseding

certain state-imposed restrictions on the forms of practice and other business aspects of the delivery of eye care to consumers. The public hearings have been completed. The Staff Report, summarizing the evidence and recommending that the Commission promulgate a rule, was completed in October 1986. The Presiding Officer's Report was published in November, 1986. Currently, public comments are being received on these reports, after which the Commission may schedule an oral presentation by selected participants.

Government Levels Affected: Local, State

Agency Contact: Renate Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 326-3287**

RIN: 3084-AA03

3813. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Staff Recommendation to Commission	05/00/87	
Commission consideration of recommendation	07/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 326-3223**

RIN: 3084-AA08

3814. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission, citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off, track record disclosures, and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/15/74	39 FR 29385
Final Action previously published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35668
Staff Recommendations to Commission	05/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased

refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084-AA11

3815. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
NPRM	10/24/85	50 FR 43224
NPRM Comment Period End	01/24/86	
Hearings End	04/02/86	
Rebuttal Period Ends	05/19/86	
Staff Report	12/17/86	
Presiding Officer Report	01/20/87	52 FR 2115
Comment Period on Reports	03/24/87	
Commission Consideration of Final Action	07/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. Consequently, staff recommended that the rule be modified so that a store could comply with the rule by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. The Staff concluded that modifying the rule in this way will maintain any benefits it provides to consumers while substantially reducing its costs. The Commission published an NPRM in October, 1985. The hearings have been completed, and the Staff Report published. The Commission is scheduled to consider the record in mid-1987, after the preceding steps in the rulemaking process have been completed.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3119

RIN: 3084-AA17

3816. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Apendix)

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. Review of these rules and the Form focuses on reducing the paperwork burden imposed on the business community. On September 24, 1985, the Commission proposed amendments to the Premerger rules that pertain for the most part to the burden reduction initiative and that affect the scope of the reporting requirement. In October of 1986, the staff recommended adoption of the burden reduction initiative and that action on the amendments relating to reporting by (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
Notice of Request for Comments	07/02/82	47 FR 29182
NPRM Proposed Rule Changes	09/24/85	50 FR 38742
Final Action on Use of 1982 Revenue Data	03/26/86	51 FR 10368
NPRM	03/06/87	52 FR 7095
Final Action on proposed Rule Changes	03/06/87	52 FR 7066
Final Action on Next NPRM	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: owners of acquisition vehicles

FTC — Proposed Rule Stage

and to the exemption of transactions undertaken in the ordinary course of business be deferred pending consideration of the comments received. In February 1987, the Commission voted to adopt most of the proposed amendments. However, the Commission deferred action on the proposed increase in the controlled issuer threshold in 16 CFR 802.20(b). A new NPRM relating to reporting by acquisition vehicles will be issued in 1987 after another revised proposal has been considered by the Commission.

Agency Contact: John M. Sipple, Jr., Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, 202 326-3300

RIN: 3084-AA23

3317. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
Submit Staff Recommendations to Commission	03/00/87	
NPRM	07/00/87	
Hearings End	11/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which are currently being reconsidered. Possible alternatives include different disclosures, reduced disclosures, or no disclosures. The Commission expects to issue an NPRM in mid-1987.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 500- Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, 216 522-4207

RIN: 3084-AA24

FEDERAL TRADE COMMISSION (FTC) — Final Rule Stage

3318. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. Following DOE's adoption of final test procedures for central air conditioners (and heat pumps), the Commission initiated a rulemaking to consider including these products. The Commission is also considering including two new types of furnaces in the rule's current coverage of furnaces.

The rule mandates that specific energy costs or efficiency information for covered products be disclosed in catalogs and on a label (fact sheets are required for furnaces). The label must include a highlighted energy cost or efficiency disclosure, a range indicating the highest and lowest energy costs or (cont)

Timetable:

Action	Date	FR Cite
NPRM (Air Conditioners)	08/11/80	45 FR 53340
NPRM (Furnaces)	07/24/81	46 FR 38105
Begin Reg Flex Act Review	04/08/85	50 FR 13820
Final Action (Air Cond. & Furn.)	05/00/87	
Consideration of Next NPRM	07/00/87	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: efficiencies for all similar appliance models, and a chart that permits an individual to estimate how much it will cost to run the appliance each year based on local utility rates. The primary purpose of the rule is to permit consumers to compare the energy usage of competing appliances and to weigh that information along with other product features.

Since the Commission's rule implements the statutory directives in EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances, but does impose some burdens on

distributors and retailers. Some of these entities may be small businesses pursuant to Section 610 of the Regulatory Flexibility Act. Therefore, the Commission has begun a review of the rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended. As a result of this review, several amendments will be proposed for Commission consideration.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084-AA26

FEDERAL TRADE COMMISSION (FTC) — Completed Actions

3819. AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460.10; 16 CFR 460.18; 16 CFR 460.19; 16 CFR 460, (Appendix B)

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. Among other things, it requires advertisers to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-Value or price. The Commission temporarily stayed the effective date of those disclosure requirements as they applied to television ads pending completion of these amendment proceedings. The Commission announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (ANPR, 46 FR 47236, Sept. 25, 1981.) On May 8, 1986, a federal court of appeals accepted a settlement between the Commission and four companies and vacated the the rule's television disclosure requirements. On October 30, 1986, pursuant to the court's action, the Commission amended the rule to delete all requirements for affirmative disclosures in television advertisements (Final Rule, 51 FR 39650, (cont)

Timetable:

Action	Date	FR Cite
Final Action Published	08/29/79	44 FR 50218
Rule Promulgated	08/31/79	
Temp. stay of certain requirements	08/15/80	45 FR 54702
Rule effective except requirmt stay	09/29/80	
ANPRM	09/25/81	46 FR 47236
Lift test requirement stay	08/24/82	47 FR 36806
Rule amended, stay lifted, and rulemaking ended	10/30/86	51 FR 39650
Final Action	10/30/86	51 FR 39650

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: October 30, 1986.) All other parts of the rule remain in effect. The Commission also decided not to conduct further rulemaking to consider affirmative disclosure requirements for TV ads and ended the proposed rulemaking it announced on September 25, 1980. Finally, the Commission lifted the stay of the affirmative disclosure requirements for TV ads that it issued on August 15, 1980, because the amendment eliminated the need for the stay.

Agency Contact: Kent Howerton, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3013

RIN: 3084-AA09

3820. MOBILE HOME SALES AND SERVICE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 47(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441, (New)

Abstract: On November 19, 1986, the Commission determined to end its rulemaking on mobile home sales and service, and decided not to adopt a rule. Economic analysis of the industry indicated that the compliance costs of the proposed rule, which would have been passed from sellers and manufacturers to consumers, would have significantly outweighed potential benefits from the rule. The rulemaking record also lacked evidence of market failure in the mobile home industry, or that breach of warranty was so prevalent in the industry as to justify an industry-wide rule.

Timetable:

Action	Date	FR Cite
NPRM - Previous	05/29/75	40 FR 23334
NPRM	05/23/77	42 FR 26398
Presiding Officer's Report	09/11/79	
Staff Report	08/13/80	
Staff Recommendation to Commission	09/00/86	
Commission consideration of final action	11/19/86	
Withdrawn Evidence did not justify market intervention by rule.	11/19/86	

Small Entity: Yes

Agency Contact: Allen Hile, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3122

RIN: 3084-AA10

3821. PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS

Legal Authority: 15 USC 2302(b)(1)(A); 15 USC 2309(a) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 702

Abstract: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications approved by the Commission are

intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase. The rule previously required that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations; (1) on the product, (2) in a binder, (3) on the package, or (4) on a sign. Both the former and the amended versions of the Rule require manufacturers to provide materials sufficient for retailers to meet their obligations. The Rule modifications will reduce retailers' obligations by requiring only that warranties accompany the product or be made readily available on request prior (cont)

Timetable:

Action	Date	FR Cite
Final Action		52 FR 7569
Promulgation of Original Rule	12/31/75	45 FR 60168
Begin Review	11/04/81	
End Review	01/17/85	
NPRM	05/01/85	50 FR 18495
NPRM Comment Period End	06/17/85	
Rule Amended	03/05/86	
Publication of Amended Rule	03/12/87	52 FR 7569

Small Entity: Yes

Additional Information: ABSTRACT CONT: to sale, and that retailers using the latter means of making warranties available post signs advising consumers that warranties are available. These changes have been approved by OMB under the Paperwork Reduction Act. Changes in the Rule will produce benefits by reducing the total costs of compliance with the present rule for retailers.

Agency Contact: Joseph Kattan, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, **202 326-3134**

RIN: 3084-AA15

3822. NEGATIVE OPTION RULE

Legal Authority: 15 USC 41 Federal Trade Commission Act

CFR Citation: 16 CFR 425

Abstract: The Trade Regulation Rule concerning negative option plans was promulgated on February 15, 1973. The rule imposes specific requirements concerning procedures that must be followed in the operation of negative option methods of merchandising. The rule requires that all covered advertisements clearly disclose the material terms of the plan; that the subscriber be given a minimum of 10 days in which to instruct the seller not to mail a selection; and that the seller must give full credit, and guarantee return postage, for merchandise returned by subscribers who were not obligated to receive it. The rule is designed to address a number of significant consumer problems described in the record of the rulemaking proceeding, including denying subscribers sufficient time to respond to the negative option cards sent under these plans, thereby denying subscribers the opportunity to make an informed decision; delivering unordered merchandise without prior consent of subscribers; and placing the burden and expense of correcting "errors" on the subscriber.

Timetable:

Action	Date	FR Cite
Rule Promulgated	02/15/73	38 FR 4896
Begin Reg Flex Act Review	03/31/86	51 FR 10883
End Reg Flex Review	11/21/86	51 FR 42087

Small Entity: No

Additional Information: EFFECTS ON SMALL BUSINESS AND OTHER ENTITIES: The rule applies to all sellers that use negative option plans, some of which are small businesses as defined by the Regulatory Flexibility Act. 5U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission conducted a review of the rule during fiscal 1986, in accordance with Section 610 of the Regulatory Flexibility Act. The Commission's review indicated that the Rule has not had a significant economic impact on a substantial number of small entities.

Agency Contact: Lew Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, D.C. 20580, 202 **326-3009**

RIN: 3084-AA33

[FR Doc. 87-6791 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part LIII

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 12)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 87-6, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the Federal Register in April 1987. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 24, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Proposed Rule Stage

3823. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None.

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entity: No

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AA13

3824. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entity: Yes

Additional Information: Ex Parte No. 431 held in abeyance until Rail Accounting Principles Board completes its findings. Implementation will be during calendar year 1988.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120-AA63

3825. TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Legal Deadline: None.

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	

Small Entity: Yes

Agency Contact: Warren Wood, Senior Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7977

RIN: 3120-AA81

3826. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10762

CFR Citation: 49 CFR 1312

Legal Deadline: None.

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	
ANPRM Comment Period End	06/22/83	48 FR 18861
Presently under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, DC 20423, 202 275-7739

RIN: 3120-AA99

3827. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS PROCESSED AND MANUFACTURED COMMODITIES

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None.

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120-AB08

3828. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None.

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	06/00/87	
NPRM Comment Period End	07/00/87	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120-AB17

3829. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None.

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AB35

ICC — Proposed Rule Stage

3830. RATE GUIDELINES-NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy stmt.	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Comments under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Thomas J. Stilling, Financial Analyst, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7442

RIN: 3120-AB41

3831. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None.

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 U.S.C. 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AB43

3832. ● COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10731; 5 USC 553

CFR Citation: 49 CFR 1134; 49 CFR 1135

Legal Deadline: None.

Abstract: The Commission is considering procedures to ensure compliance by rail carriers with the prohibition against unlawful rate increases for the transportation of recyclables. Comments are requested for both aggregate compliance with 49 USC 10731(e) and for use of individual complaint procedures. The proposal will also consider modification of the Railroad Cost Recovery Procedures as they affect recyclables.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/86	51 FR 21780
Extension of time for filing comments new date: 10/15/86	08/12/86	51 FR 28847
ANPRM Comment Period End	09/15/86	51 FR 21780
Comments under evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AB47

INTERSTATE COMMERCE COMMISSION (ICC) — Final Rule Stage

3833. HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1052

Legal Deadline: None.

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	03/19/81	46 FR 17814
NPRM Comment Period End	05/04/81	
Request for comments	06/30/86	51 FR 23562
Supplemental comments due	07/31/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Tom Barry, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7540

RIN: 3120-AA42

3834. IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Significance: Agency Priority

Legal Authority: 49 USC 10321(a); 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1039

Legal Deadline: None.

Abstract: The Commission has voted to extend to non-rail affiliated motor carriers its exemption from 49, Subchapter IV of the U.S. Code motor transportation of trailers and of containers used in continuous intermodal movements (TOFC and COFC service). The date the exemption will become effective is not yet determined.

Timetable:

Action	Date	FR Cite
ANPRM	08/22/79	44 FR 49279
ANPRM Comment Period End	10/22/79	44 FR 49279
NPRM	02/27/81	46 FR 14365
NPRM Comment Period End	03/30/81	46 FR 14365
Vote of the Commission	09/20/84	
Draft Final Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AA47

3835. PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

Legal Authority: 49 USC 10321; 49 USC 10705a; 5 USC 553

CFR Citation: 49 CFR 1031A

Legal Deadline: None.

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 USC 10705a.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/03/80	45 FR 72665
NPRM	03/30/81	46 FR 19238
NPRM Comment Period End	04/29/81	46 FR 19238
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120-AA57

3836. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Legal Deadline: None.

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period End	04/08/85	
Final Action	07/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting and Reporting, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AA84

3837. REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES, EX PARTE NO. 246 (SUB-NO. 2)

Legal Authority: 5 USC 553; 31 USC 9701; 49 USC 10321

CFR Citation: 49 CFR 1002

Legal Deadline: None.

Abstract: In a decision published at 49 FR 18490 (May 1, 1984), the Commission adopted a major revision of its user fee regulations. On review the District of Columbia Circuit Court of Appeals affirmed the Commission's user fee regulations in most respects. See Central & Southern Motor Freight Tariff Ass'n, Inc. v. ICC 777 F 2nd 722 (D.C. Cir 1985). However, the court did remand the proceeding for further explanation of certain costing issues. This decision will reopen the May 1, 1984 decision. In this decision the Commission will provide further explanation to the Court and make any necessary adjustment to the fee regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6118
Reopening of Proceeding as a result of court remand	12/18/86	51 FR 45348
Comments due	01/20/87	
Final decision under review	00/00/00	

Small Entity: No

Agency Contact: Kathleen M. King, Assistant Secretary, Interstate Commerce Commission, Office of the Secretary, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7428

RIN: 3120-AA90

3838. POLICY ON RELEASE OF DATA FROM THE ICC WAYBILL SAMPLE

Legal Authority: 49 USC 10321; 49 USC 11144; 5 USC 552; 5 USC 553

CFR Citation: 49 CFR 1244.8

Legal Deadline: None.

Abstract: The Commission, in recognition of the sensitivity of unaggregated waybill data and the potential for competitive harm to shippers and railroads, proposes to establish a policy for the release of waybill sample data. The policy will balance the need of the users of the data and assure that confidential carrier or shipper information is not disclosed. The policy will be added to 49 C.F.R. 1244 as Section 1244.8.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 767
NPRM Comment Period End	02/24/86	
NPRM Comment Period Extended to 04/10/86	02/27/86	51 FR 6924
Final Action	03/30/87	

Small Entity: No

Agency Contact: James A. Nash, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-6864

RIN: 3120-AB20

ICC — Final Rule Stage

3839. SHORT NOTICE EFFECTIVENESS FOR INDEPENDENTLY FILED SINGLE-FACTOR MOTOR-WATER RATES, EX PARTE NO. MC-170 (SUB-NO. 1)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None.

Abstract: Proposal to reduce the notice period for independently filed single-factor domestic motor-water rates for transportation of property to one day for rate decreases and seven days for rate increases.

Timetable:

Action	Date	FR Cite
NPRM	05/21/85	50 FR 20920
NPRM Comment Period End	06/21/85	50 FR 20920
Open Special Conference	03/12/86	51 FR 07664
Request for comments	05/07/86	51 FR 16877
Supplemental comments due	06/06/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Ardith Horne, Attorney Adviser, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-1764

RIN: 3120-AB26

3840. ELIMINATION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PASSENGERS, NO. 39953

Significance: Agency Priority

Legal Authority: 49 USC 11142; 49 USC 11145

CFR Citation: 49 CFR 1206; 49 CFR 1249

Legal Deadline: None.

Abstract: This rule would eliminate the Uniform System of Accounts and revise the periodic reporting requirements for Class I motor common and contract carriers of passengers. The Commission believes these provisions are no longer necessary for Commission oversight of the ratemaking process. The Commission is proposing a new condensed report, applicable only to Class I motor carriers of passengers, to replace the current comprehensive annual and quarterly report forms. These changes should significantly reduce the carriers' accounting and reporting costs and burden.

Timetable:

Action	Date	FR Cite
NPRM	06/26/85	50 FR 26594
NPRM Comment Period End	10/08/85	50 FR 26594
NPRM Comment Period Extended 10/8/85 to	12/09/85	50 FR 38559
Final Action	07/01/87	
Final Action Effective	07/01/87	

Small Entity: No

Agency Contact: Andrew J. Lee, Assistant Chief, Interstate Commerce Commission, Section of Accounting & Reporting, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7510

RIN: 3120-AB31

INTERSTATE COMMERCE COMMISSION (ICC) — Completed Actions

3841. PETITION TO EXPAND PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES, EX PARTE NO. MC-65 (SUB-NO. 6)

CFR Citation: 49 CFR 1042

Completed:

Reason	Date	FR Cite
Withdrawn	09/12/86	51 FR 32500

Small Entity: Not Applicable

Agency Contact: Richard Hartley 202 275-7786

RIN: 3120-AA24

3842. STANDARDS FOR RAILROAD REVENUE ADEQUACY, EX PARTE NO. 393 AND EX PARTE NO. 393 (SUB-NO. 1)

Significance: Agency Priority

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	12/31/86	51 FR 47317
Final Action Effective	12/31/86	

Small Entity: No

Agency Contact: Ward L. Ginn, Jr. 202 275-7488

RIN: 3120-AA61

3843. AGRICULTURAL COOPERATIVE EXEMPTION

CFR Citation: 49 CFR 1047.21 to 1047.23

Completed:

Reason	Date	FR Cite
No further action expected	02/27/87	

Small Entity: Yes

Agency Contact: Lee C. Payne 202 275-0025

RIN: 3120-AA74

3844. SPECIAL INTERMODAL AUTHORITY, EX PARTE NO. 282 (SUB-NO. 7)

CFR Citation: 49 CFR 1111.11

Completed:

Reason	Date	FR Cite
No further action expected	02/27/87	

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AA82

3845. REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS, EX PARTE NO. 455

Significance: Agency Priority

CFR Citation: 49 CFR 1201

Completed:

Reason	Date	FR Cite
Final Action	02/11/87	52 FR 4321
Final Action Effective	01/01/87	

Small Entity: No

Agency Contact: William F. Moss, III 202 275-7510

RIN: 3120-AA86

3846. PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

CFR Citation: 49 CFR 1008

Completed:

Reason	Date	FR Cite
No further action expected	02/27/87	

Small Entity: Yes

Agency Contact: Linda F. Mitchler 202 275-0880

RIN: 3120-AA95

3847. ACCEPTABLE FORMS OF REQUESTS FOR OPERATING AUTHORITY FOR MOTOR CARRIERS AND BROKERS OF PROPERTY, EX PARTE NO. MC-55 (SUB-NO. 43A)

Significance: Agency Priority

CFR Citation: 49 CFR 1160

Completed:

Reason	Date	FR Cite
Final Action	12/05/86	51 FR 43926
Final Action Effective	01/05/87	51 FR 43926

Small Entity: No

Agency Contact: Suzanne Higgins 202 275-7181

RIN: 3120-AB05

3848. MOTOR CARRIER RATE BUREAUS - EXPANSION OF COLLECTIVE RATEMAKING TERRITORY, EX PARTE NO. 297 (SUB-NO. 7)

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
No further action expected	02/27/87	

Small Entity: Undetermined

Agency Contact: Jane Udovic 202 275-7831

RIN: 3120-AB25

3849. ADOPTION OF NET SALVAGE FOR DEPRECIABLE RAILROAD PROPERTY, NO. 39325

Significance: Agency Priority

CFR Citation: 49 CFR 1201

Completed:

Reason	Date	FR Cite
No further action expected	02/27/87	

Small Entity: No

Agency Contact: Andrew J. Lee 202 275-7510

RIN: 3120-AB33

3850. LEASE OF EQUIPMENT AND DRIVERS TO PRIVATE CARRIERS - PETITIONS FOR MODIFICATION, EX PARTE NO. MC-122 (SUB-NO. 2)

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	10/17/86	51 FR 37034
Final Action Effective	11/17/86	51 FR 37034

Small Entity: Not Applicable

Agency Contact: Andrew L. Lyon 202 275-7292

RIN: 3120-AB36

3851. INVESTIGATION INTO MOTOR CARRIER INSURANCE RATES, EX PARTE NO. MC-178

Significance: Agency Priority

CFR Citation: 49 CFR 1043

Completed:

Reason	Date	FR Cite
Final Action	02/06/87	52 FR 3814
Final Action Effective	03/02/87	

Small Entity: No

Agency Contact: Mark Shaffer 202 275-7805

RIN: 3120-AB39

3852. NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE - PETITION TO INSTITUTE RULEMAKING ON NEGOTIATED MOTOR COMMON CARRIER RATES, EX PARTE NO. MC-177

CFR Citation: 00 CFR None

Completed:

Reason	Date	FR Cite
Final Action	10/29/86	51 FR 39595
Final Action Effective	11/28/86	51 FR 39595

Small Entity: Not Applicable

Agency Contact: Andrew L. Lyon 202 275-7292

RIN: 3120-AB40

3853. RAILROAD EXEMPTION - INTERNATIONAL JOINT THROUGH RATES, EX PARTE NO. 346 (SUB-NO. 21)

CFR Citation: 49 CFR 1039.21; 49 CFR 1312.37

Completed:

Reason	Date	FR Cite
Final Action	07/29/86	51 FR 27045
Final Action Effective	08/28/86	51 FR 27045

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AB42

3854. EXEMPTION FROM REGULATION - STORAGE LEASES, EX PARTE NO. 346 (SUB-NO. 20)

CFR Citation: 49 CFR 1039.20

Completed:

Reason	Date	FR Cite
Final Action	12/24/86	51 FR 46675
Final Action Effective	01/23/87	51 FR 46675

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AB44

3855. ●ABANDONMENT REGULATIONS - COSTING, EX PARTE NO. 274 (SUB-NO. 11)

CFR Citation: 49 CFR 1152

Completed:

Reason	Date	FR Cite
Final Action	01/26/87	52 FR 2705
Final Action Effective	03/24/87	52 FR 2705

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AB46

3856. ●SHORT NOTICE EFFECTIVENESS FOR INDEPENDENTLY FILED RAIL CARRIER RATES, EX PARTE NO. 346 (SUB-NO. 22)

CFR Citation: 49 CFR 1312

Completed:

Reason	Date	FR Cite
Final Action	01/07/87	52 FR 564
Final Action Effective	02/05/87	52 FR 564

Small Entity: No

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120-AB48

[FR Doc. 87-6643 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part LIV

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of January 31, 1987. NCUA will also include this agenda in the Unified Agenda of Federal Regulations.

DATE: This information is current as of January 31, 1987.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person(s) named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to track regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts describing, respectively, (1) actions completed since the last agenda; (2) current rulemaking proceedings and regulatory reviews; and (3) projected rulemaking and reviews. Interpretive Rulings and Policy Statements (IRPS) are also included in the agenda.

The agenda is published pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) and NCUA's statement of policy concerning development and review of regulations (IRPS 81-4, 46 FR 2948).

NCUA will voluntarily include this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations." The NCUA Board believes that participation in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Approved by the NCUA Board this 11th day of February, 1987.

Becky Baker,

Acting Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3857	Reserves	3133-AA12
3858	Nondiscrimination Requirements	3133-AA17
3859	Definitions	3133-AA47
3860	Financial and Statistical and Other Reports	3133-AA48
3861	Loan Participation	3133-AA49
3862	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
3863	Compensation of Officials	3133-AA51
3864	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
3865	Borrowed Funds From Natural Persons	3133-AA54
3866	Records Preservation Programs	3133-AA56
3867	Employee Responsibility and Conduct	3133-AA64
3868	Conservatorships and Liquidations	3133-AA65
3869	Corporate Credit Unions	3133-AA68
3870	Mortgage-Backed Obligations	3133-AA73
3871	Bank Bribery Act Amendments	3133-AA77

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3872	Establishment of a Cash Fund	3133-AA34
3873	Refund of Interest	3133-AA36
3874	Community Development Credit Union Program	3133-AA37
3875	Rules of Board Procedure	3133-AA39
3876	Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions	3133-AA42
3877	Other Applications	3133-AA44
3878	Mergers of Credit Unions	3133-AA59
3879	Loans to Members and Lines of Credit to Members; Requirements for Insurance and Voluntary Termination of Insurance	3133-AA67

NCUA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3880	Loan Interest Rates	3133-AA76

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3881	Payout Priorities for Involuntary Liquidation of Federally Insured Credit Unions	3133-AA28
3882	Description of Office, Disclosure of Official Records, Availability of Information, Promulgation of Regulations	3133-AA32
3883	Advertising, Requirements for Insurance and Clarification and Definition of Account Insurance Coverage	3133-AA55
3884	Division of Assets, Liabilities and Capital	3133-AA60
3885	Bank Secrecy Act Compliance Programs and Procedures	3133-AA74
3886	Interpretive Ruling and Policy Statement 86-2 - Joint Policy Statement on Basic Financial Services	3133-AA75

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Prerule Stage

3857. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Legal Deadline: None.

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Initial staff review complete; further review will be completed by	12/31/87	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Examination and Insurance, (202) 357-1065.

Agency Contact: Robert Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA12

3858. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None.

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Initial staff review complete; further review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA17

3859. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None.

Abstract: This regulation sets forth basic definitions applicable in all of NCUA's regulations. The definitions will be reviewed for accuracy and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA47

3860. FINANCIAL AND STATISTICAL AND OTHER REPORTS

Legal Authority: 12 USC 1756; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.13

Legal Deadline: None.

Abstract: This regulation sets forth reporting requirements for Federal

credit unions. The regulation will be reviewed for accuracy and consistency with other regulations.

Timetable:

Action	Date	FR Cite
Initial staff review will be completed by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA48

3861. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None.

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to participate in making loans with other credit unions, credit union organizations or financial organizations. The regulation will be reviewed to determine the need to update, revise and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Roy DeLoach, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA49

3862. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None.

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to purchase, sell or pledge a loan or group of loans. The regulation will be reviewed to determine the need to update, review and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Roy DeLoach, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA50

3863. COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Legal Deadline: None.

Abstract: This regulation sets out the restrictions on compensation to Federal credit union directors and credit and supervisory committee members. The regulation will be reviewed for accuracy and consistency with the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA51

3864. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Legal Deadline: None.

Abstract: This regulation sets out the authority for and requirement of federally insured credit unions when they serve as depositories and financial agents of the United States Government. It also lists the functions credit unions may perform in this capacity. The regulation will be reviewed for clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA53

3865. BORROWED FUNDS FROM NATURAL PERSONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.38

Legal Deadline: None.

Abstract: This regulation sets forth the requirements a Federal credit union must meet when it borrows funds from natural persons. The regulation will be reviewed to determine whether clarification or simplification is necessary.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA54

3866. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None.

Abstract: This regulation mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. This regulation will be reviewed to determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA56

3867. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 792

Legal Deadline: None.

Abstract: Legal and regulatory requirements concerning employee ethics are currently found in Part 792 of the NCUA Regulations, the NCUA Examiners Guide, the Office of Personnel Management's Regulations, and various Federal statutes. Staff has circulated a draft of a proposed comprehensive rule within the Agency.

Timetable:

Action	Date	FR Cite
Staff expects to present a draft proposed rule to the Board by	04/30/87	

Small Entity: No

Agency Contact: James J. Engel/Hattie M. Ulan, Deputy General Counsel/Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA64

3868. CONSERVATORSHIPS AND LIQUIDATIONS

Legal Authority: 12 USC 1766(a); 12 USC 1786; 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: NCUA does not presently have a comprehensive regulation on conservatorship and liquidation procedures. NCUA was granted conservatorship authority in 1982. The temporary authority has expired and we are awaiting further action from Congress. An outdated Involuntary Liquidation Manual exists. A new draft Involuntary Liquidation Manual has been written and is being circulated within the Agency.

Timetable:

Action	Date	FR Cite
Task force expects to present a draft, updated liquidation manual to the Board	04/30/87	

Small Entity: No

Agency Contact: Timothy Hornbrook/Allan Meltzer, Director of Risk Management/Assistant, General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA65

3869. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None.

Abstract: A task force has completed its review of the corporate credit union system. The revised corporate examination process began in October 1986. In March 1987, staff will begin to evaluate whether a change in the regulation is necessary.

Timetable:

Action	Date	FR Cite
Review of the Current regulation will begin	03/00/87	

Small Entity: No

Agency Contact: D. Michael Riley or Nicholas Veghts, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA68

3870. MORTGAGE-BACKED OBLIGATIONS

Legal Authority: 12 USC 1757(15); 12 USC 1766; 12 USC 1789

CFR Citation: Not applicable

Legal Deadline: None.

Abstract: Staff is currently reviewing the promulgation of a rule, pursuant to Section 107(15) of the FCU Act, to authorize FCU investment in privately issued mortgage-backed obligations.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/86	
Staff expects to present a recommendation or draft proposed regulation to the Board by	06/30/87	

Small Entity: No

Additional Information: Additional contact: Steven R. Bisker, Assistant General Counsel, telephone (202) 357-1030.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA73

3871. ● BANK BRIBERY ACT AMENDMENTS

Legal Authority: 18 USC 215

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: Staff is working with the other Federal financial regulators to write guidelines implementing the amendments to the Bank Bribery Act. Once completed, staff will present either a draft policy statement or letter to credit unions for NCUA Board approval.

Timetable:

Action	Date	FR Cite
Staff expects to present draft policy statement to NCUA Board by	06/30/87	

Small Entity: No

Agency Contact: John K. Ianno, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA77

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Proposed Rule Stage

3872. ESTABLISHMENT OF A CASH FUND

Legal Authority: 12 USC 1757(12)

CFR Citation: 12 CFR 701.10

Legal Deadline: None.

Abstract: This rule provides the regulatory authority to cash checks and money orders.

Timetable:

Action	Date	FR Cite
Initial staff review complete. Further action expected by	06/30/87	

Small Entity: No

Agency Contact: Steven R. Bisker, Asst. General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA34

3873. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Legal Deadline: None.

Abstract: This rule provides the conditions and limitations on an FCU making interest payment refunds to members who paid interest on loans during a dividend period.

Timetable:

Action	Date	FR Cite
Initial review indicated further revision may be necessary. Further action will be taken	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA36

3874. COMMUNITY DEVELOPMENT CREDIT UNION PROGRAM

Legal Authority: 12 USC 1754; 12 USC 1758; 12 USC 1759; 12 USC 1766(f); 42 USC 2981; 42 USC 2985(e)

CFR Citation: 12 CFR 705

Legal Deadline: None.

Abstract: The present rule implements a demonstration program called Community Development Credit Union (CDCU) Program. The program provides for seed capital funds and technical assistance to strengthen a limited number of credit unions and thereby enable them to deliver improved services to and aid in the revitalization and economic development of, their communities. In 1986, Congress transferred responsibility for the CDCU Fund from the Department of Health and Human Services to NCUA. Transfer of the program and revision of the regulation is in progress.

Timetable:

Action	Date	FR Cite
NPRM to be issued by	03/31/87	

Small Entity: No

Additional Information: Additional contact person: Harry Blaisdell, Special Assistant to Board Member, telephone: (202) 357-1100.

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA37

3875. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 791

Legal Deadline: None.

Abstract: This regulation sets forth the rules of procedure governing how the Board will conduct its business.

Timetable:

Action	Date	FR Cite
Expect to present draft proposed rule to the Board by	06/30/87	

Small Entity: No

Agency Contact: Rosemary Brady or Becky Baker, Secretary of the Board/Executive Assistant, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA39

3876. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Legal Deadline: None.

Abstract: The rule provides the regulatory authority for federally insured state chartered credit unions to offer share draft accounts.

Timetable:

Action	Date	FR Cite
Initial Staff review complete - further action will be taken by	06/30/87	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA42

3877. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None.

Abstract: This rule specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections shall be presented to the Agency.

Timetable:

Action	Date	FR Cite
Initial staff review complete. Staff will make recommendation to the Board by	06/30/87	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA44

3878. MERGERS OF CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1785; 12 USC 1786; 12 USC 1789

NCUA

Proposed Rule Stage

CFR Citation: 12 CFR 708

Legal Deadline: None.

Abstract: The new proposed rule sets forth procedural requirements for a credit union to merge with another credit union, procedures and notice requirements for termination of Federal insurance or conversion to some other type of insurance, and forms to be used for terminating or converting Federal insurance, with or without a merger.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43377
NPRM Comment Period End	01/30/87	51 FR 43377
Final Action by	04/30/87	

Small Entity: No

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA59

3879. LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS; REQUIREMENTS FOR INSURANCE AND VOLUNTARY TERMINATION OF INSURANCE

Legal Authority: 12 USC 1757(5); 12 USC 1766(a); 12 USC 1789

CFR Citation: 12 CFR 701.21; 12 CFR 741

Legal Deadline: None.

Abstract: The new proposed rule establishes conditions under which federally-insured credit unions may grant member business loans. Proposed exemption for federally-insured state-chartered credit unions in states having equivalent regulations has been added to the proposal.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46869
NPRM Comment Period End	01/30/87	51 FR 46869
Staff expects to present a draft final rule to the Board by	04/30/87	

Small Entity: No

Additional Information: Additional Contact: D. Michael Riley, Director, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, telephone: (202) 357-1065; or Steven Bisker, Assistant General Counsel, telephone: (202) 357-1030.

Agency Contact: J. Leonard Skiles, Regional Director, National Credit Union Administration, Region V, 611 East 6th Street, Suite 407, Austin, TX 78701, 512 482-5131

RIN: 3133-AA67

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Final Rule Stage

3880. ● LOAN INTEREST RATES

Legal Authority: 12 USC 1757(5)(A)(vi); 12 USC 1766(6)

CFR Citation: 12 CFR 701.21(c)(7)

Legal Deadline: Statutory, May 14, 1987.

Abstract: The 21 percent interest rate ceiling will expire on May 14, 1987. The NCUA Board will determine whether the interest rate should revert to 15 percent or whether a temporary increase in the rate should be implemented.

Timetable:

Action	Date	FR Cite
Final Action	03/00/87	

Small Entity: No

Agency Contact: Dr. Charles Bradford, Chief Economist, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA76

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

3881. PAYOUT PRIORITIES FOR INVOLUNTARY LIQUIDATION OF FEDERALLY INSURED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1766(b); 12 USC 1787(a)(2); 12 USC 1787(d); 12 USC 1789(a)(11)

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: A proposed rule which would have implemented a change in payout priorities upon liquidation has been withdrawn due to recapitalization of the National Credit Union Share Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	11/21/83	48 FR 52588
NPRM Comment Period End	01/20/84	48 FR 52588
Withdrawn	12/02/86	51 FR 43383
Subsequent actions have caused delay and reevaluation. Board action expected by	12/31/86	

Small Entity: No

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA28

3882. DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS, AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Legal Authority: 12 USC 1752a

CFR Citation: 12 CFR 790

Legal Deadline: None.

Abstract: The organizational structure of the Central Office and geographic responsibilities of the Regional Offices have undergone changes. Revised Section 790.2 reflects these changes.

Timetable:

Action	Date	FR Cite
End Review	06/30/86	
Final Action	09/22/86	51 FR 33588
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Benny R. Henson, Director, National Credit Union Administration, Administrative Office, 1776 G Street, NW, Washington, DC 20456, **202 357-1055**

RIN: 3133-AA32

3883. ADVERTISING, REQUIREMENTS FOR INSURANCE AND CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Legal Authority: 12 USC 1781; 12 USC 1782; 12 USC 1783; 12 USC 1784; 12 USC 1785; 12 USC 1786; 12 USC 1787; 12 USC 1788; 12 USC 1789; 12 USC 1790; 12 USC 1766

CFR Citation: 12 CFR 740; 12 CFR 741; 12 CFR 745

Legal Deadline: None.

Abstract: The final rules incorporate current practices and clarify and update the regulations governing advertising, requirements for insurance, and clarification and definition of account insurance coverage. In addition, an Appendix has been added to the rules to provide further clarification of insurance of accounts.

Timetable:

Action	Date	FR Cite
NPRM	05/06/86	51 FR 16710
NPRM Comment Period End	07/06/86	51 FR 19353
Comment period extended to	07/06/86	51 FR 19353
Final Action	10/23/86	51 FR 37549
Staff expects to present a draft final rule to the Board by	10/30/86	
Final Action Effective	12/22/86	51 FR 37549

Small Entity: No

Additional Information: Additional contact person: James J. Engel, Deputy General Counsel, telephone: 202 357-1030.

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA55

3884. DIVISION OF ASSETS, LIABILITIES AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 709, (formerly)

Legal Deadline: None.

Abstract: This Part was deleted from the NCUA Regulations. The NCUA Board determined that the regulation was no longer necessary due to its extremely limited use. Special situations can be handled on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	06/03/86	51 FR 19848
NPRM Comment Period End	08/06/86	
Withdrawn Rule Deleted	09/18/86	51 FR 33029

Small Entity: No

Agency Contact: D. Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA60

3885. ● BANK SECRECY ACT COMPLIANCE PROGRAMS AND PROCEDURES

Legal Authority: PL 99-570; Bank Secrecy Act Sec 1359 of Anti-Drug Abuse Act of 1986

CFR Citation: 12 CFR 748

Legal Deadline: Statutory, January 27, 1987.

Abstract: This is a final rule promulgated by the financial regulatory agencies pursuant to the Bank Secrecy Act, Section 1359 of the Anti-Drug Abuse Act of 1986, Public Law 99-570. The final rule is to assure that regulated institutions establish and maintain procedures to comply with the requirements of the Bank Secrecy Act. The Act mandated that regulations be promulgated by January 27, 1987. No proposed rules were promulgated.

Timetable:

Action	Date	FR Cite
Final Action	01/16/87	
Final Action Effective	01/27/87	

Small Entity: No

Additional Information: Rule will be published in the Federal Register in coordination with the other Federal financial agencies. The publication date is not yet available.

Agency Contact: John K. Ianno, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1030**

RIN: 3133-AA74

3886. ● INTERPRETIVE RULING AND POLICY STATEMENT 86-2 - JOINT POLICY STATEMENT ON BASIC FINANCIAL SERVICES

Legal Authority: 12 USC 1789

CFR Citation: 00 CFR None

Legal Deadline: None.

Abstract: This policy statement, adopted by the Federal Financial Institution Examination Council, encourages financial institutions to make basic services available to low and moderate income members.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/04/86	
Final Action	11/21/86	51 FR 42083

Small Entity: No

Agency Contact: Nicholas Veghts, Director of Supervision, Office of, Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 357-1065**

RIN: 3133-AA75

[FR Doc. 87-6644 Filed 04-24-87; 8:45 am]

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Monday
April 27, 1987

Part LV

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on October 27, 1986 (51 FR 39260).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, DC, between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael T. Lesar, Acting Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7086. Persons outside the Washington, DC metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on October 27, 1986 (51 FR 39260).

Organization of the Agenda

Rules in this agenda are divided into four groups. The first; Prerule Stage, includes all rules which will be published in the **Federal Register** as advance notices of proposed rulemaking. The second; Proposed Rule Stage, includes all unpublished rules and published advance notices of proposed rulemaking on which the NRC expects to take action. The third; Final Rule Stage, includes all rules which have been published in the **Federal Register** as proposed rules and on which the NRC plans to take final action. A fourth group; Completed Actions, includes all rules which have been finally promulgated or withdrawn since publication of the last semiannual agenda.

Within each group, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part according to the date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The information in this agenda has been updated through February 27, 1987. The date included under the heading "timetable," for next scheduled action indicates the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the agenda after publication of a notice of withdrawal.

The NRC agenda lists 72 rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Dated at Bethesda, Maryland this 26th day of February 1987.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Rules and Records, Office of Administration.

NRC

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3887	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
3888	Radiation Therapy, Quality Assurance and Penalties for Negligence	3150-AC42

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3889	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3890	Availability of Official Records	3150-AC07
3891	+ Effectiveness of an Initial Decision Authorizing Issuance or Amendment of a Power Reactor License or Permit	3150-AC15
3892	Negotiated Rulemaking on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High Level Waste	3150-AC44
3893	+ Residual Radioactive Contamination Limits for Decommissioning	3150-AC21
3894	+ Registration of Sources and Devices	3150-AB34
3895	+ Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases	3150-AB58
3896	+ Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
3897	Completeness and Accuracy of Information Provided to the Commission	3150-AC45
3898	+ Safety Requirements for Industrial Radiographic Exposure Devices	3150-AC12
3899	Acceptance Criteria for Emergency Core Cooling System (ECCS) for Light Water Nuclear Power Reactors	3150-AA44
3900	+ Radon 222 Estimate for Table S-3	3150-AA87
3901	+ Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
3902	Degree Requirement for Senior Operators at Nuclear Power Plants	3150-AC26
3903	Consideration of Emergency Planning Rule Changes to Deal With Lack of Governmental Cooperation in Offsite Emergency Planning	3150-AC36
3904	+ Part 51; Conforming Amendments	3150-AC04
3905	+ Criteria and Procedures for Evaluating Requests for Emergency Access to Low-Level Waste Disposal Sites	3150-AC24
3906	Transportation Regulations: Compatibility With the International Atomic Energy Agency	3150-AC41

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3907	+ Procedures Involving the Equal Access to Justice Act: Implementation II	3150-AA01
3908	+ Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3909	+ Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Waste	3150-AB70
3910	+ Adjudications -- Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information	3150-AB78
3911	Revision to Ex Parte and Separation of Functions Rules Applicable to Formal Adjudicatory Proceedings	3150-AC18
3912	Functions of Atomic Safety and Licensing Appeal Board	3150-AC46
3913	+ Nondiscrimination on Basis of Age in Federally Assisted Commission Programs	3150-AA06
3914	Retention Periods for Records	3150-AB43
3915	+ Standards for Protection Against Radiation	3150-AA38
3916	+ Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
3917	General Requirements for Decommissioning Nuclear Facilities	3150-AA40
3918	+ Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3919	+ Bankruptcy Filing; Notification Requirements	3150-AC16
3920	+ Licenses and Radiation Safety Requirements for Well-logging Operations	3150-AB35
3921	+ Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues	3150-AB56
3922	+ Mandatory Property Insurance for Decontamination of Nuclear Facilities	3150-AA47
3923	+ Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
3924	+ Operators' Licenses	3150-AA88
3925	+ Station Blackout	3150-AB38
3926	+ Broad Scope Modification of General Design Criterion 4 Requirements For Protection Against Dynamic Effects of Postulated Pipe Ruptures	3150-AC05
3927	+ Codes and Standards for Nuclear Power Plants	3150-AC29
3928	Timing Requirements for Full Participation Emergency Preparedness Exercises for Power Reactors Prior to Receipt of an Operating License	3150-AC37

NRC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3929	+ Explanation to Table S-3 Uranium Fuel Cycle Environmental Data	3150-AA31
3930	+ Definition of High-Level Radioactive Waste (HLW) in 10 CFR Part 60	3150-AB89
3931	+ Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
3932	+ Material Control and Accounting Requirements for Licensees Authorized to Possess and Use Formula Quantities of Strategic Special Nuclear Material	3150-AA50
3933	+ Reporting of Special Nuclear Material Physical Inventory Summary Results	3150-AB26
3934	+ Modification of Protection Requirements for Spent Fuel Shipments	3150-AA96
3935	+ Changes to Safeguards Reporting Requirements	3150-AB46
3936	+ Criteria for an Extraordinary Nuclear Occurrence	3150-AB01

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3937	Possible Amendments to "Immediate Effectiveness" Rules	3150-AA04
3938	+ Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule	3150-AA55
3939	+ Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities	3150-AB04
3940	+ Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings	3150-AB42
3941	Security Requirements for Category II Material at Fixed Sites	3150-AC10
3942	Rules of Practice for Domestic Licensing Proceedings -- Procedural Changes in Hearing Process	3150-AC22
3943	+ Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended	3150-AB53
3944	Revision of Specific Exemption	3150-AC39
3945	+ Adjustment to Security Access Authorization Fee Schedule Publication	3150-AC00
3946	+ Improved Personnel Dosimeter Processing	3150-AA39
3947	Disposal of Low-Level Radioactively Contaminated Waste Oil from Nuclear Power Plants	3150-AC14
3948	Changes in Telephone Numbers for Uranium Recovery Field Office	3150-AC40
3949	Regional Nuclear Materials Licensing for the U.S. Air Force	3150-AC31
3950	Requirements for Possession of Industrial Gauges	3150-AC28
3951	+ Medical Use of Byproduct Material	3150-AA73
3952	+ Communications Procedures Amendments	3150-AB61
3953	Minor Corrective Amendment	3150-AC38
3954	+ Annual Fee for Nuclear Power Reactors Operating Licenses or Applications and Major Materials Licenses and Conforming Amendments	3150-AC30
3955	+ Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites	3150-AB57
3956	+ Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material	3150-AB33
3957	Imports of Uranium from South Africa	3150-AC43

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

3887. ● RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Abstract: The advance notice of proposed rulemaking seeks comments on the NRC consideration to amend its regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated. The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient means of dealing with disposal of wastes below regulatory concern. This rule would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public will be asked to comment on 14 questions.

Timetable:

Action	Date	FR Cite
ANPRM	03/02/87	51 FR 43367
Comment Period End		
ANPRM	12/02/87	51 FR 43367

Small Entity: Undetermined

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and

NRC

Prerule Stage

Safeguards, Washington, DC 20555, 301 427-4300

RIN: 3150-AC35

3888. ● RADIATION THERAPY, QUALITY ASSURANCE AND PENALTIES FOR NEGLIGENCE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The Nuclear Regulatory Commission is considering amendments to its regulations governing the use of byproduct material for radiation therapy. In addition to current requirements, the contemplated amendments would require that licensees offering teletherapy or brachtherapy services implement a quality assurance program. The contemplated amendments would also provide for penalties for negligence when using byproduct material for radiation therapy. The alternatives to rulemaking considered by the staff were to take no action or to provide quality assurance guidance and request voluntary compliance. The Commission directed the staff to take the rulemaking alternative. Although data on potential cost impacts is incomplete, initial cost estimates indicated that the potential cost to each of the 1200 affected licensees would be about $1000.00 per year.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/87	

Small Entity: Yes

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4108

RIN: 3150-AC42

NUCLEAR REGULATORY COMMISSION (NRC)

Proposed Rule Stage

3889. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Abstract: The Nuclear Regulatory Commission has deferred further consideration of this proposal which would have revised the Commissions's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice , retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in the proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7814

RIN: 3150-AB66

3890. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The purpose of the amendment is to reaffirm that the terms of 10 CFR 2.790 (c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw pursuant to 10 CFR 2.790 (c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AC07

3891. + EFFECTIVENESS OF AN INITIAL DECISION AUTHORIZING ISSUANCE OR AMENDMENT OF A POWER REACTOR LICENSE OR PERMIT

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's "immediate effectiveness' regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective. Changes are proposed that would (1) remove the existing provision governing the effectiveness of initial decisions regarding power reactor construction permits and (2) revise the Commission's existing practice regarding "effectiveness reviews" for full-power operating licenses. The proposed rule also would delete language in the existing regulation emanating from Three Mile Island-related regulatory policies, action upon which now has been completed.

The proposed rule would supersede two prior rules entitled "Possible Amendments to 'Immediate Effectiveness' Rules," published October 25, 1982 (47 FR 47260).

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	51 FR 3442
NPRM Comment Period End	04/06/87	51 FR 3442

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC15

3892. ● NEGOTIATED RULEMAKING ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 2

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high level waste licensing proceeding. This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn all parties would have access to the data base. The NRC published a Notice of Intent on December 18, 1987 which announced the agency's intent to publish this rule.

Timetable:

Action	Date	FR Cite
NPRM	12/28/87	

Small Entity: Undetermined

Agency Contact: Ken Kalman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4071**

RIN: 3150-AC44

3893. + RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would establish residual radioactive contamination limits (including induced and other volumetric radioactivity as well as removable and fixed surface contamination) which must be met before structures and lands can be released on an unrestricted, unregulated basis. Structures and lands with residual radioactive contamination below these limits would be eligible for unrestricted release without regulatory restrictions from a radioactivity standpoint.

The proposed amendments are necessary to provide licensees with quantitative criteria to use during decommissioning relative to cleanup of structures and lands intended to ensure that structures and lands used in NRC licensed facilities and activities will be decontaminated in a manner that adequately protects public health before being released on an unrestricted, unregulated basis.

Timetable:

Action	Date	FR Cite
NPRM	05/15/88	
Final Action	01/01/89	

Small Entity: Undetermined

Agency Contact: Robert E. Alexander, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7976**

RIN: 3150-AC21

3894. + REGISTRATION OF SOURCES AND DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

Abstract: NRC regulations clearly provide for pre-marketing approval of certain sealed sources and devices, such as smoke detectors and gauges. The regulations are less clear with respect to pre- marketing approval of other products, such as industrial radiographic and in-plant gauging devices. The proposed rule would clearly state the procedures for manufacturers and distributors of sources and devices to obtain pre-marketing approval of products to be used under specific license. Consistent with present practice, the rule would require the applicant to submit for approval specified radiation safety information about the product.

The proposed rule would also assure that all manufacturers/distributors (vendors) are informed of NRC's program for pre-marketing approval of sources and devices under specific license. The rule, by improving communication with the vendors, would assure timely and efficient consideration of radiation safety features of products and thus reduce administrative costs for vendors, users and NRC.

The rulemaking action is not urgent, but is important because

Timetable:

Action	Date	FR Cite
NPRM	04/00/87	
Final Action	12/00/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: it will substantially improve the licensing process and reduce the administrative burden on NRC and licensees. The alternative is to continue in the present status which involves duplication of effort through repetitive submittals and reviews. Required resources for NRC to complete the rulemaking are 1.0 staff year in 1987 and 1.0 staff year in 1988

Agency Contact: Steven L Baggett, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-9005**

RIN: 3150-AB34

3895. + FINANCIAL RESPONSIBILITY OF MATERIALS LICENSEES FOR CLEANUP AFTER ACCIDENTAL AND UNEXPECTED RELEASES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The Commission issued and advance notice of proposed rulemaking (ANPRM) in June 1985, which sought comment of the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed

radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted by the State or Federal government, but frequently public monies are used only after lengthy delays.

Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability but do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus, CERCLA public funds should not be used for this purpose. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/07/85	50 FR 20906
ANPRM Comment Period End	11/07/85	50 FR 41904

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT:

Cost to licensees of the possible different financial assurance mechanisms is based on proprietary information. Staff invited comments in response to the ANPRM to address costs aspects as well as scope of coverage and availability of alternative mechanisms. The comments received (approximately 160) will be used as an integral part of the rulemaking process. The NRC resources expended on the ANPRM in FY86 were 1.4 FTE. The current FY87 budget to develop the proposed rule is 1.4 FTE.

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB58

3896. + INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 70; 10 CFR 71; 10 CFR 50; 10 CFR 61; 10 CFR 72

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. In addition, the proposed rule would encompass the objective of the proposed rule, "Jurisdiction of Adjudicatory Boards," identified as 3150-AA53 which is being deleted from OMB's Unified Agenda. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AB83

3897. ● COMPLETENESS AND ACCURACY OF INFORMATION PROVIDED TO THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC 2021a; 42 USC 5841; 42 USC 5851; 42 USC 10141; 42 USC 2273; 42 USC 2201(o)

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 55; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; 10 CFR 72; 10 CFR 150

Abstract: The NRC is amending its regulation to codify the obligations of licensees and applicants for licenses to provide the Commission with complete and accurate information, to maintain accurate records and to provide for disclosure of information identified by licensees as significant for licenses activities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Karen Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-7269**

RIN: 3150-AC45

3898. + SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981, (American National Standard. N432) it is not clear that all manufacturers are adopting the standard. The alternatives considered were to take no action at this time; to amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory an guide endorsing the consensus standard, supplemented by such other performance standards as deemed necessary. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	
Final Action	12/31/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT·

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed standards are estimated to be a one time cost of $1600.00 per licensee to purchase alarm dosimeters and $250.00 per year per licensee to replace existing devices with devices that meet the requirements of the consensus standard. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7989**

RIN: 3150-AC12

3899. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEM (ECCS) FOR LIGHT WATER NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by changing the methods used to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident. This action is proposed because research has shown that calculations performed under current requirements result in estimates of cooling system performance are significantly worse than estimates based on the improved knowledge gained from this research and because the operation of some nuclear reactors is being unnecessarily restricted. This results in increased cost of electricity generation. The proposed rule would allow use of the best information currently available to demonstrate that the ECCS would protect the reactor core during a loss-of-coolant accident.

Use of the proposed acceptance criteria could result in a 5 percent power upgrade for affected plants. The present value of energy replacement cost savings resulting from a potential upgrade would range from 13 to 147 million dollars depending on the location and age of a specific plant.

The proposed rule (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	43 FR 57157
NPRM	03/00/87	
Final Action	03/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: would apply to all applicants for and holders of construction permits for light water reactors.

Because the proposed rule represents a significant change in a regulatory requirement, the staff is currently preparing a summary of ECCS research performed over the last 10 years which will serve as the technical basis for the proposed rule and a regulatory guide which will provide definition of what constitutes an acceptable best estimate model and acceptable methods of performing the uncertainty evaluation. The estimated cost to the NRC of this rulemaking is 2-3 staff years and $200,000 of contractor support.

The only option to rulemaking considered by the staff was the continued use of the current licensing approach. At best, this is viewed as an interim solution because two separate calculations are required to meet the requirements of the current regulation and staff conditions for use of the licensing approach and continued use of the approach risks case-by-case litigation.

Agency Contact: Jose' N. Reyes Jr., Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7890**

RIN: 3150-AA44

3900. + RADON 222 ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1978, the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3 the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The proposed rule was to deal with this question generically for all nuclear power plants; however, the NRC does not expect to receive applications for new nuclear power plant licenses within the near future, and certain regulatory issues related to radon have not yet been resolved.

The Commission directed the staff to combine the radon rulemaking with the final rule to add the narrative explanation for Table S-3 and, also to incorporate the changes to add a technetium-99 estimate to Table S-3. This would complete Table S-3 and would remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power plant licensing cases. However, the final rule could not be formulated until EPA completed the(cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/88	

Small Entity: No

Additional Information: the development of additional radon standards which were issued September 24, 1986. Also, the Commission must complete its review of ALAB-701, which is being held in abeyance for the completion of EPA's radon standards and for further resolution of the de minimis argument concerning the effects of exposure to low levels of radiation . The Commission directed the staff to develop a schedule for completion of the work required to provide a new radon-222 value for Table S-3 and to resolve the related matters.

The staff's plan and estimate (SECY 86-242)were submitted on August 18, 1986 providing for submission of the final rule for Commission action in December 1988. On September 8, 1986, SECY 86-242 was approved by the Commission. The final rule will cover the new values for radon-222 and technetium-99 and the narrative explanation of these values and their effect on public health and safety.

Agency Contact: William E. Thompson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-9024**

RIN: 3150-AA87

3901. + SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define those terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission issuing a policy statement concerning the definitions and their

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	

Small Entity: No

Additional Information: ABSTRACT CONT: usage.

Since the proposed rule is only clarifying existing requirements, their is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend upon guidance from the Commission regarding the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR.

Agency Contact: Edward T. Baker, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-4874**

RIN: 3150-AB88

3902. DEGREE REQUIREMENT FOR SENIOR OPERATORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Commission is considering an amendment to its regulations to require, after January 1, 1991, that applicants for licenses as a Senior Operator of a nuclear power plant hold a baccalaureate degree in engineering or a related science from an accredited institution. Other baccalaureate degrees from an accredited institution may be accepted on a case-by-case basis. This contemplated rulemaking action is due to a Commission decision to enhance the levels of engineering and accident management expertise on shift. The current requirements, for candidates with a baccalaureate degree, of two years of responsible nuclear power plant operating experience, would be amended to require one year of operating experience on a like commercial nuclear reactor operating at greater than twenty percent power. The Commission is also considering issuing a policy statement concurrently with this rule related to utility implementation of the rule.The staff analysis of comments on the ANPRM is continuing and options for rulemaking and/or policy statements to address degree requirements and training for accident management are being developed. A Commission paper is scheduled for Commission (Cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: consideration by the end of March 1987.

Agency Contact: Dan Jones Rowsome, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4813**

RIN: 3150-AC26

3903. ● CONSIDERATION OF EMERGENCY PLANNING RULE CHANGES TO DEAL WITH LACK OF GOVERNMENTAL COOPERATION IN OFFSITE EMERGENCY PLANNING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would in limited circumstances, allow a full power nuclear plant operation to begin when there is a lack of State or local government cooperation in offsite emergency planning. In earlier regulations, the Commission published revised emergency planning regulations which required that emergency plans be developed by licensees in cooperation with State and local governments. Although the Commission acknowledged the possibility that some governments might not cooperate, the Commission premised the new rules on a coordinated effort among all parties. Because this coordination has proved impossible to achieve in a few isolated cases, this proposed rulemaking is intended to cover those cases not contemplated by the 1980 amendments. The amendments will probably not impact on NRC resources. Industry may experience a positive financial effect in the earlier operation of nuclear power plants already completed but currently non-operational due to governmental non-cooperation. The public may be affected in that there may be less coordinated offsite emergency plan as compared to sites where full coordination has been achieved.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William M. Shields, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8693**

RIN: 3150-AC36

3904. + PART 51; CONFORMING AMENDMENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 51; 10 CFR 60

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental review which NRC perform in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA. Alternatives are to take no action, issue an ANPRM, or ask Congress for additional legislation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
Final Action	09/30/88	

Small Entity: No

Agency Contact: James R. Wolf, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8694**

RIN: 3150-AC04

3905. + CRITERIA AND PROCEDURES FOR EVALUATING REQUESTS FOR EMERGENCY ACCESS TO LOW-LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 2021

CFR Citation: 10 CFR 62

Abstract: The proposed rule will establish criteria and procedures that will be used in the execution of the NRC responsibilities under Section 6 of the Low-Level Radioactive Waste Procedures Amendments Act (LLRWPAA). Section 6 of the LLRWPAA authorizes the U.S. Nuclear Regulatory Commission to grant emergency access to any non-Federal low-level waste disposal facility, if necessary to eliminate an immediate and serious threat to the public health and safety or the common defense and security which cannot be mitigated by other means. The proposed rule may have a significant impact on the generators of low-level waste, in that it will set the standards high for qualifying for emergency access, and will require them to provide convincing information to the NRC that their being denied access to low-level waste disposal facilities has resulted in an immediate and serious threat to the public health and safety or the common defense and security.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	
Final Action	08/00/88	

Small Entity: Yes

Agency Contact: Janet Lambert, Office of Nuclear Material Safety, and Safeguards, Nuclear Regulatory Commission, Washington, DC 20555, **301 427-4009**

RIN: 3150-AC24

3906. ● TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Standard No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition. Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. Perhaps as important, the favorable and accident experience of every country that bases it domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/30/88	

Small Entity: No

Additional Information: ABSTRACT CONT. program. The action will be handled as a routine updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, will be issued for public comments. The task will be scheduled over a 2 year interval ending June 1989 and will consume 2-3 staff years of effort depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Donald P. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7690**

RIN: 3150-AC41

NUCLEAR REGULATORY COMMISSION (NRC)

Final Rule Stage

3907. + PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION II

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. The decision from the Comptroller General has been rendered and is currently the subject of litigation.(cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 contains revisions to the EAJA that are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA01

3908. + MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349

Next Action Undetermined

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA05

3909. + LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Abstract: The proposed rule would revise existing regulations to establish specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision, required by the Nuclear Waste Policy Act, is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program.

Paragraph (d) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. Although the Commission could await further development of the MRS option before proposing its MRS rules, this approach could result in unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS.

There is no appropriate alternative to rulemaking, the vehicle used by NRC to establish its licensing procedures.

The basic requirements (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19106
NPRM Comment Period End	08/25/86	51 FR 21560
Final Action	09/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: for storage of spent fuel in an independent spent fuel storage installation (ISFSI) currently codified in 10 CFR Part 72 are not being changed, thus, no incremental impact on NRC, industry, or the health and safety of the public is anticipated.

Agency Contact: Charles Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7917**

RIN: 3150-AB70

3910. + ADJUDICATIONS -- SPECIAL PROCEDURES FOR RESOLVING CONFLICTS CONCERNING THE DISCLOSURE OR NONDISCLOSURE OF INFORMATION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its rules of practice to provide special procedures for resolving conflicts

concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection or provided by a confidential source and deemed relevant and material to an adjudication. Prepared at the express direction of the Commission, the proposed amendments apply to all NRC offices that have information relevant and material to an adjudication.

The proposed amendments provide for ex parte in camera presentations and follow guidance contained in the Commission's recent statement of policy on investigations, inspections, and adjudicatory proceedings.

As a procedural rule, the proposed amendments are not likely to have a significant impact upon the industry.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	50 FR 21036
NPRM Comment Period End	08/23/85	50 FR 30446
Final Action	05/00/87	

Small Entity: No

Agency Contact: Jane R. Mapes, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-8695**

RIN: 3150-AB78

3911. REVISION TO EX PARTE AND SEPARATION OF FUNCTIONS RULES APPLICABLE TO FORMAL ADJUDICATORY PROCEEDINGS

Legal Authority: 5 USC 554 (d); 5 USC 557(d)

CFR Citation: 10 CFR 0; 10 CFR 2

Abstract: The proposed rule would amend the Commission's regulations dealing with ex parte communications and separation of adjudicatory and nonadjudicatory functions in formal adjudicatory proceedings to update the agency's rules of practice and to incorporate requirements imposed by the Government in the Sunshine Act. Changes are proposed in both the form and the substance of the existing rules to clarify their meaning and to aid agency adjudicatory officials to maintain effective communication with NRC staff personnel and persons outside the agency while at the same time ensuring that proceedings will be conducted fairly and impartially. This proposed rule supersedes a prior proposed rule entitled, "Ex Parte Communications and Separation of Adjudicatory and Non Adjudicatory Functions," (3150-AA00) published March 7, 1979 (44 FR 12428).

Timetable:

Action	Date	FR Cite
NPRM	03/26/86	51 FR 10393
NPRM Comment Period End	06/26/86	51 FR 19067
Final Action	03/00/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AC18

3912. ● FUNCTIONS OF ATOMIC SAFETY AND LICENSING APPEAL BOARD

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The final rule would amend the Nuclear Regulatory Commission's regulations to provide for Atomic Safety and Licensing Appeal Board review of all decisions rendered by an Atomic Safety and Licensing Board in formal agency adjudications. This amendment would change the agency's rules of practice to allow routing referral of requests for certain hearings from a licensing board to an appeal board.

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Agency Contact: Trip Rothschild, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AC46

3913. + NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
NPRM Comment Period End	11/20/81	
Final Action	03/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

A copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. HHS has indicated its approval of the draft final rule in a letter transmitted to the NRC.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization/Civil Rights, Washington, DC, **301 492-7697**

RIN: 3150-AA06

3914. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Abstract: This proposed rule would establish a specific retention period for

certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record.

Amending twenty one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC.

Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3)

Timetable:

Action	Date	FR Cite
NPRM	02/28/87	
Final Action	10/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT: files, and (4) retrieving the report information.

The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 3000 hours of staff time at $60 per hour for an estimated total of $180,000

Agency Contact: Brenda Jo. Shelton, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-8132**

RIN: 3150-AB43

3915. + STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance; and partial revision of the standards. They were rejected as ignoring scientific (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	09/12/86	51 FR 1092
Final Action	12/31/88	

Small Entity: Yes

Additional Information: ABSTRACT CONT: advancements; being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20. Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about $33 million for all NRC and Agreement State licensees in the initial year and about $8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7691**

RIN: 3150-AA38

3916. + PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e) both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II,J.4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of uniform content for reporting of defects.

Approximately 450 to 500 reports are issued annually under Part 21 and sec. 50.55 (e) respectively. The reports identify plant-specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices.

This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory

framework that is expected to reduce industry and NRC burden in this area without(cont)

Timetable:

Action	Date	FR Cite
Final Action	04/15/87	

Small Entity: No

Additional Information: ABSTRACT CONT: sacrificing safety effectiveness.

Alternatives to this approach varied from establishment of a single rule for all reporting to maintaining a status quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $12,400,000 annually for industry and $2,900, 000 annually for NRC evaluations . It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 36,800 hours or $2,208,000 while NRC burden should be increased by $100,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules, and enforcement, recordkeeping respectively.

The Commission disapproved this proposed rule on 10/20/86 and provided direction to the staff to revise the proposed rulemaking.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-7613**

RIN: 3150-AA68

3917. GENERAL REQUIREMENTS FOR DECOMMISSIONING NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Abstract: The proposed rulemaking action is intended to protect public health and safety by providing assurance that licensees fulfill their responsibility to dispose licensed material including any associated contamination when they cease licenses activity. The proposed rule also intends to provide the applicant or licensees with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. It is necessary to address this issue by amending the regulations in order to achieve appropriate assurances that funds for decommissioning will be available and the decommissioning will be carried out in an orderly manner. The Commission has indicated a need for this rulemaking in other previous rulemaking.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could affect decommissioning, and (3) careful(cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period End	07/12/85	50 FR 23025
Final Action	10/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 21 staff-years ($1.6 million) spread over 5 years (or $320,000 per year).

For the approximately 110 power reactors estimated to be affected (i.e., those with operating licenses and those under construction which are at least two-thirds complete) plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 3.8 staff-years ($288,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer/Catherine Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7784**

RIN: 3150-AA40

3918. + EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard). Currently, the proposed requirements are, for the most part, required by order. However, the Commission decided that they wanted a regulation for the long term. The cost to licensees for complying with the rule was estimated to be between $26,000 and $73,000 per year per licensee. The cost to NRC was estimated to be $4000,00 per year per licensee. The NRC will expend about 2 man-years of efforts to promulgate the rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	46 FR 29712
NPRM	12/31/86	
Final Action	03/15/88	

Small Entity: No

Analysis: Regulatory Impact Analysis

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7900**

RIN: 3150-AA41

3919. + BANKRUPTCY FILING; NOTIFICATION REQUIREMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 61; 10 CFR 70; 10 CFR 72

NRC

Final Rule Stage

Abstract: Notification of the NRC in cases of bankruptcy would alert the Commission so that it may deal with potential hazards to the public health and safety posed by a licensee that does not have the resources to properly handle licensed radioactive material or clean up possible contamination. It is necessary to address this issue because instances have occurred in which materials licensees have filed for bankruptcy and NRC has not generally been aware of this. There is no current regulation requiring that licensees notify the NRC in cases of bankruptcy filing. Hence, the NRC has no means by which it can be made aware of these situations.

The proposed rule would require licensees to notify the appropriate regional office of the NRC in the event of a bankruptcy proceeding involving the licensee. There is no action required of a licensee by these amendments unless a bankruptcy petition is filed.

The net overall impact on industry of this rule should be negligible since this rule only consists of one additional notification beyond that (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/20/86	51 FR 22531
NPRM Comment Period End	07/21/86	
Final Action	04/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: already required by the Untied States Code and that is simply a notification of NRC by mail. The benefit of the rule is that it will assist in protection of the public health and safety by reducing the risk of radiation exposure to the public and workers by enabling NRC to be aware of potential licensee problems in handling and disposing of radioactive materials caused by severe economic problems. The net effect on NRC should be reduction in staff resources since it would put NRC in a better reactive mode for proceeding with necessary enforcement actions.

Agency Contact: Frank Cardile, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7784**

RIN: 3150-AC16

3920. + LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL-LOGGING OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 39

Abstract: The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific guidance. The rule generally codifies existing licensing practice. Thus, there would be essentially no net incremental costs to licensees. The main benefit would be to formally state NRC requirements in the regulations. The rule would establish a proposed, consistent, comprehensive set of the requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate in Agreement States or vice versa. The rule required about one staff-year effort.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13797
NPRM Comment Period End	07/08/85	50 FR 13797
Final Action	03/09/87	

Small Entity: No

Agency Contact: Stephen McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7900**

RIN: 3150-AB35

3921. + URANIUM MILL TAILINGS REGULATIONS: GROUND WATER PROTECTION AND OTHER ISSUES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 7901 Note

CFR Citation: 10 CFR 40

Abstract: The proposed rulemaking is intended to incorporate groundwater standards established by the Environmental Protection Agency for uranium mill tailings into NRC regulations. This action is necessary to make NRC regulations conform to EPA standards as required by the Uranium Mill Tailings Radiation Control Act. Alternatives to this action involve timing and scope. Comments on the ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. Estimates of NRC resources are still being developed.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/84	49 FR 46425
ANPRM	03/01/85	50 FR 2293
Comment Period End		
NPRM	07/08/86	51 FR 24697
NPRM Comment Period End	09/08/86	51 FR 24697
Final Action	06/22/87	

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555, **301 427-4300**

RIN: 3150-AB56

3922. + MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require nuclear power plant licensees to obtain an increased amount of onsite property damage insurance from the current minimum of $585 million to $1.02 billion. The NRC believes that such insurance should be required so that the financing and pacing of cleanup following an accident does not become a public health and safety problem.Recent studies indicate that as much as $1.06 billion may be required to cover onsite cleanup of the worst reactor accidents if inflation and other factors are included. Other issues addressed in the proposed rule are (1) whether the Federal government can preempt State law that prohibits certain public utilities from buying insurance offered by either mutual companies or by insurance companies that require payment of a retrospective premium

and (2) whether a priority of payment of insurance proceeds for decontamination and cleanup can be imposed. Action in these areas is required for the same reason as imposition of general insurance requirements, i.e. to remove the financial aspects of recovery after and accident from having an adverse impact on public health and safety.(cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	47 FR 27371
NPRM	11/08/84	49 FR 44645
NPRM Comment Period End	02/07/85	49 FR 44645
Final Action	03/01/87	

Small Entity: No

Additional Information:

Alternatives that were considered included (1) requiring a lower dollar amount and (2) not explicitly requiring insurance above that currently required but rather allowing the necessity for additional insurance to be determined at the State level.

The impact of the proposed rule on licensees would probably not be large. Most licensees currently purchase insurance in excess of $1.02 billion. Approximately 10 licensees would be required to carry more insurance than they otherwise would for an annual incremental premium cost of roughly $1 million per year. Thus the total impact of the rule would be approximately $10 million per year. The impact on the public would generally be positive in that public health and safety would be better protected. The impact on the NRC would be minimal with respect to increasing the amount of insurance. A decontamination priority, if it were invoked, could require additional hearings with attendant costs. One-half of a staff-year is required by OSP to continue the rulemaking, with minimal impact on other offices expected.

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, 301 492-9885

RIN: 3150-AA47

3923. + PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice which is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to(cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	01/26/87	51 FR 39538
Final Action	04/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT: issue the rule has already been expended.

Still remaining are presentation of the proposed rule for public comment and integration of appropriate public comments.

A detailed analysis of costs, benefits, and occupational exposures is available in the Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than one percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7893

RIN: 3150-AA86

3924. + OPERATORS' LICENSES

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Nuclear Regulatory Commission was proposing to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications.

The proposed rulemaking was in response to Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis showed a public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person-rem/$million. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46428
NPRM Comment Period End	02/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: April 9, 1984. Industry requested that the NRC issue a policy statement rather than a rule. Consequently, at an October 17, 1984, Commission meeting, the Commission directed the staff to publish the portion of the proposed rule

revising 10 CFR Part 55 "Operators' Licenses," and to draft a Policy Statement on programs for training and qualification of nuclear power plant personnel. The proposed revision was published for comment on November 26, 1984, and the effective Policy Statement was published March 20,1985.

The Policy Statement replaces the portion of this proposed rule that would have added requirements to 10 CFR Part 50 on training and qualification of plant personnel. The training programs are to be developed and implemented by industry during a two-year period. The policy statement provides guidance regarding NRC's support of the industry-managed training accreditation program and states NRC's continuing responsibility to independently evaluate applicants' and licensees' implementation of training programs.The Commission is currently reviewing the final rule.

Agency Contact: Bruce Boger, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8807**

RIN: 3150-AA88

3925. + STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power, called Station Blackout, to the essential and nonessential switchgear buses for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 80,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is $40 million. This results in an overall cost benefit ratio of about 2,000 person-rem per million dollars.

The alternatives to this proposed rulemaking are to (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/21/86	51 FR 9829
NPRM Comment Period End	06/19/86	51 FR 9892
Final Action	09/00/87	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio. The staff discussed this proposal with the Commission and the Commission voted 5-0 to issue the proposed rule for public comment.

Agency Contact: Alan Rubin, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8303**

RIN: 3150-AB38

3926. + BROAD SCOPE MODIFICATION OF GENERAL DESIGN CRITERION 4 REQUIREMENTS FOR PROTECTION AGAINST DYNAMIC EFFECTS OF POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed broad scope modification of General Design Criterion 4 (GDC 4) would allow demonstration of piping integrity by analyses to serve as a basis for excluding consideration of dynamic effects associated with pipe ruptures. A final rule published April 11, 1986 (51 FR 12502) was limited to the primary loops of pressurized water reactors (PWRs), whereas this proposed rule would cover all high energy piping in all light water reactors (LWRs). The modification will permit the general but selective removal of pipe whip restraints and jet impingement shields from operating plants, plants under construction and future plant designs, but will not impact other design requirements.

The only alternatives to rulemaking would be the granting of partial exemptions to GDC 4 or reinterpretation of the text of the existing rule. The staff has, however, indicated that extensive use of exemptions to authorize the elimination of pipe whip restraints is inappropriate and that long precedence prohibits reinterpretation. Therefore, it appears appropriate to undertake rulemaking at this time.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26393
NPRM Comment Period End	09/22/86	51 FR 26393
Final Action	05/15/87	

Small Entity: No

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7854**

RIN: 3150-AC05

3927. + CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Commission proposes to amend its regulations to incorporate by reference the Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section III, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1983 Addenda, Summer 1984 Addenda, Winter 1984 Addenda, Summer 1985 Addenda, Winter 1985 Addenda, and 1986 Edition of Section XI, Division 1 of the ASME Code. A limitation is placed on the use of paragraph IWB-3640 as contained in the Winter 1983 Addenda and Winter 1984 Addenda of Section XI, Division 1. This limitation requires that for certain types of welds, IWB-3640 be used as modified by the Winter 1985 Addenda. The

sections of the ASME Code being incorporated provide rules for the construction of light-water- cooled nuclear power plant components and specify requirements for inservice inspection of those components. Adoption of these amendments would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	02/28/87	
Interim Final Rule	10/30/87	

Small Entity: No

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7713**

RIN: 3150-AC29

3928. ● TIMING REQUIREMENTS FOR FULL PARTICIPATION EMERGENCY PREPAREDNESS EXERCISES FOR POWER REACTORS PRIOR TO RECEIPT OF AN OPERATING LICENSE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The rule proposes to relax the timing requirements for a full participation emergency preparedness exercise for power reactors prior to issuance of a full power operating license. The proposed amendment would require a full participation exercise that includes State and local government, to be held within two years before the issuance of a full power operating license as opposed to the current requirement of within one year. Exercise without full participation would still be required on an annual basis.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43369
NPRM Comment Period End	01/12/87	52 FR 543
Final Action	03/00/87	

Small Entity: No

Agency Contact: Michael T. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7657**

RIN: 3150-AC37

3929. + EXPLANATION TO TABLE S-3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed rule was published for public review and comment (46 FR 15154, March 4, 1981), but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v NRC, NO. 74-1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision of April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	12/00/88	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. However, final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 can be added to the table and covered in the narrative explanation. On October 7, 1984, EPA promulgated new radon standards for inactive uranium mill sites and in October 1985 NRC published revised uranium milling regulations conforming to the new EPA standards. However, EPA received, in August 1985, a court order requiring them to establish radon standards for active uranium mills. EPA's final standards are scheduled to be issued in August 1986. The Commission has directed staff to develop a schedule for completing the narrative explanation of Table S-3 and the new values for radon-222 and technetium-99.

The Staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99, and the narrative explanation will be completed in 1989.

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4283**

RIN: 3150-AA31

3930. + DEFINITION OF HIGH-LEVEL RADIOACTIVE WASTE (HLW) IN 10 CFR PART 60

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: This advance notice of proposed rulemaking (ANPRM) seeks to revise the definition of HLW in Part 60 to reflect certain changes in the legal definition of HLW contained in the Nuclear Waste Policy Act of 1982. Because of the complex issues involved in revising the definition of HLW, which affects virtually the entire radioactive waste management system, the staff is proposing an ANPRM rather than a proposed rule. A revision of the definition of HLW would affect DOE's plans for a geologic repository, State plans for regional compacts to manage low-level waste, Federal vs. State responsibility for some above Class C wastes, costs of waste disposal for certain waste generators, and the development of new technologies and facilities to dispose of certain types of wastes. A definition of HLW which reduces uncertainty about responsibility for different types of wastes would benefit the radioactive waste

management system. NRC staff time for processing this rule is estimated to be 4 staff years. Alternatives to rulemaking would be to take no action or request Congress to amend the NWPA. The rulemaking would eliminate uncertainty and reduce costs for the public, industry, and NRC.

Timetable:

Action	Date	FR Cite
Final Action	01/00/88	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7668**

RIN: 3150-AB89

3931. + ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Abstract: The Nuclear Waste Policy Act of 1982 directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121 (c) of this act states that these criteria must be consistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirements.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff years but will not include contract resources.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	51 FR 22288
Final Action	04/28/87	

Small Entity: No

Agency Contact: Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7668**

RIN: 3150-AC03

3932. + MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LICENSEES AUTHORIZED TO POSSESS AND USE FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 74

Abstract: The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It would establish a performance-oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions.

An alternative to the rule would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/18/81	46 FR 45144
ANPRM Comment Period End	02/09/82	46 FR 56625
NPRM	02/02/84	49 FR 4091
NPRM Comment Period End	09/05/84	49 FR 4091
Final Action	03/01/87	

Small Entity: No

Additional Information: ABSTRACT CONT: detection and more prompt resolution of anomalies potentially indicative of an SSNM loss.

In response to public comments, the staff has re-evaluated certain technical provisions of the proposed rule and concluded that some modifications were warranted. Concurrent with the rule modifications, the acceptance criteria and regulatory analysis were revised. The revised regulatory analysis reflects estimated implementation costs of $2.5 million for the industry that will be offset by a reduction in annual operating costs. Cost recovery will occur within two to nine years, depending on the type of facility. The cost to the NRC to complete this rulemaking is estimated to be four staff years which includes time for the review of the plans submitted in response to the rule.

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: C. W. Emeigh, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4769**

RIN: 3150-AA50

3933. + REPORTING OF SPECIAL NUCLEAR MATERIAL PHYSICAL INVENTORY SUMMARY RESULTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 74

Abstract: The NRC's current regulations require fuel facilities to conduct periodic physical inventories of the special nuclear material (SNM) possessed by them. Although the affected licensees have been voluntarily reporting their resultant physical inventory summary data to the NRC since 1975, a requirement for this routine reporting has never been incorporated into the regulations.

Rather than pursue a rule for the reporting of inventory summary data, the NRC could continue to rely on voluntary reporting of this data. If any of the affected licensees, for whatever reason, should choose to discontinue reporting this data, timely collection of such data could be continued by an increase in direct inspection efforts; however this increase would have an adverse impact on the inspection program in terms of increased costs and staff time. If timely collection of this data should be discontinued, the NRC

would be unable to fulfill it present commitment to timely reporting to the public of differences between licensees' book and physical inventories of SNM (see NUREG-0430, Licensed Fuel Facility Status

Timetable:

Action	Date	FR Cite
Final Action	05/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule corrects the present reporting deficiency by requiring the appropriate fuel facility licensees to provide the necessary physical inventory summary data on NRC Form 327. Since these licensees are already supplying this information voluntarily and the NRC is already routinely using it, there are no additional costs or other impacts associated with the rulemaking. The current schedule calls for publication of the final rule in May 1987 with a total expenditure of approximately 0.1 staff years by the Office of Inspection and Enforcement.

Agency Contact: Darrell Huff, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 427-7077

RIN: 3150-AB26

3934. + MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would moderate the current requirements for the protection of spent fuel shipments against radiological sabotage. Current more stringent requirements are based on release assumptions and health effects calculations that were made in the 1970s. Data from recently completed research shows that the release and health effects would be far lower than believed at the time the current requirements were issued. In addition, during 1985, comprehensive coordination was carried out with States and the Department of Transportation to assure that perceived safety issues were adequately addressed. The rulemaking is proceeding on a priority basis.

Alternatives to the proposed rule were (1) to leave the current requirements in place or (2) to eliminate all requirements. Alternative one was rejected because the current requirements, based on the conclusions drawn from recent research, were judged to be overly stringent. Alternative two was rejected because some requirements need to be retained to protect against sabotage scenarios even more severe than the one postulated for the research.(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/84	49 FR 23867
NPRM Comment Period End	09/10/84	
Final Action	04/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule provides the level of safeguards deemed essential to the protection of spent fuel shipments while affording an annual savings of $74,000 to the affected licensees who make approximately 250 shipments per year. The public would not be affected by the rulemaking because all needed requirements would be retained. Occupational exposure would not change significantly. The current annual NRC resource commitment would be about 1.5 staff years, and the costs for travel expenses would be about $8,000. NRC resources for the rulemaking have been set at 0.5 staff year for FY 1986.

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 427-4269

RIN: 3150-AA96

3935. + CHANGES TO SAFEGUARDS REPORTING REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 74

Abstract: The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. (Conforming amendments are included for 10 CFR Parts 70, 72, and 74). The staff has found the present requirements confusing to licensees and therefore, difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for analysis.

Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised guidance on the present requirement. However, the guidance would lack regulatory authority. Since the problem concern the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem through rulemaking. (cont

Timetable:

Action	Date	FR Cite
NPRM	08/27/85	50 FR 34708
NPRM Comment Period End	12/31/85	50 FR 48220
Final Action	03/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed amendments redefine, in clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported.

There is expected to be no cost impact to the public. Benefits to licensees will be clearer, simpler regulations, and a reduction in telephonic and written report making. While the proposed regulations will require more detailed, standardized written reports, the reduction in the number of telephone and written reports is expected to result in a net cost decrease to industry of $641,600 incurred on an annual basis.

NRC — Final Rule Stage

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Safety and Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB46

3936. + CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The final rule will revise the ENO criteria to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify them, as this rule seek to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1.0 man years of NRC staff time will be required to process the final rule. No contract funding is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	
Final Action	07/15/87	

Small Entity: No

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7691**

RIN: 3150-AB01

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

3937. POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: In this proposed rule, the Commission was considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway. This proposed rule has been superseded by a proposed rule entitled" Issuance of Amendment; Power Reactor License or Permit Following Initial Decision" published in the Federal Register on February 2, 1987 (52 FR 3442).

Timetable:

Action	Date	FR Cite
NPRM	05/22/80	45 FR 34279
NPRM Comment Period End	07/07/80	45 FR 3429
Withdrawn	02/20/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-3224**

RIN: 3150-AA04

3938. + COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would have amended the immediate effectiveness rule with regard to rules of practice for granting power reactor construction permit to conform to those for granting an operating license. It (1) would have retained the requirement that the NRC conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would have deleted the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. This proposed rule has been superseded by a proposed rule entitled "Issuance of Amendment; Power Reactor Licenses or Permit Following Initial Decision" published in the Federal Register on February 4, 1987 (52 FR 3442).

Timetable:

Action	Date	FR Cite
NPRM	10/25/82	47 FR 47260
NPRM Comment Period End	11/24/82	47 FR 47260
Withdrawn	02/04/87	

Small Entity: No

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1465**

RIN: 3150-AA55

3939. + REGULATORY REFORM OF THE RULES OF PRACTICE AND RULES FOR LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: This proposed rule would have amended sections of two parts affecting the hearing process associated with the issuance of all NRC licenses. Streamlining the hearing process would have ultimately provided cost savings to all participants in the process. However, initially intervenors would have been required to provide more information than is now required at some added expense.

Timetable:

Action	Date	FR Cite
ANPRM	04/12/84	49 FR 14698
ANPRM Comment Period End	06/11/84	49 FR 14689
Withdrawn	12/00/86	

Small Entity: No

Agency Contact: Linda Gilbert, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **301 492-7678**

RIN: 3150-AB04

3940. + RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS: ROLE OF NRC STAFF IN ADJUDICATORY LICENSING HEARINGS

Legal Authority: 42 USC 2201; 42 USC 2231

CFR Citation: 10 CFR 2

Abstract: The role of the NRC staff in initial proceedings was among the issues discussed in an enclosure to a January 2, 1985, memorandum to the Chairman of the House Subcommittee on Energy and Water Development from Chairman Palladino.

The Commission had decided that the NRC's role in adjudicatory licensing proceedings should not be changed. The Commission published a notice of withdrawal of proposed rulemaking on October 16, 1986.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/83	48 FR 50550
ANPRM Comment Period End	01/03/85	48 FR 50550
Withdrawn	10/16/86	51 FR 36811

Small Entity: No

Agency Contact: Linda Gilbert, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-7678**

RIN: 3150-AB42

3941. SECURITY REQUIREMENTS FOR CATEGORY II MATERIAL AT FIXED SITES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 70; 10 CFR 73

Abstract: The Office of the Executive Director of Operations terminated this rulemaking on November 26, 1986. The EDO stated that initiation of a new rulemaking will be considered when research is completed and agreement is reached on what the rule should accomplish. Development of this rule has been suspended to allow time to receive and analyze the results of the potential for sabotage at non-power reactors that would have been affected by the rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn	11/26/85	

Small Entity: No

Agency Contact: Carl Withee, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safe guards, Washington, DC 20555, **301 492-4768**

RIN: 3150-AC10

3942. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS – PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission (NRC) is proposing amendments to its rules of practice which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment. The NRC is also proposing related amendments on the process of intervention that were developed by Commissioner Asselstine.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Agency Contact: Linda Gilbert, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-3302**

RIN: 3150-AC22

3943. + NONDISCRIMINATION ON THE BASIS OF SEX - TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED

Legal Authority: 42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

CFR Citation: 10 CFR 4

Abstract: The proposed rule would have implemented the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule would have set out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would have applied to each recipient of Federal financial assistance from the NRC.

The Executive Director for Operations terminated this rule on December 31, 1986. The Department of Justice (DOJ) disagrees with certain provisions of the rule contained in the Department of Education prototype. The DOJ could not predict the extent of the review stage, therefore the cognizant office recommended that this rule be temporarily removed until clearance is obtained for the DOJ.

Timetable:

Action	Date	FR Cite
Withdrawn	12/31/86	

Small Entity: No

Analysis: Regulatory Analysis 02/00/84

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization, Civil Rights, Washington, DC 20555, **301 492-7697**

RIN: 3150-AB53

3944. ● REVISION OF SPECIFIC EXEMPTION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The final rule reflects the changes that have been made to section 9.95 following the revision and republication of the NRC's Systems of Records notices in their entirety in September 1986. The revocation of three systems notices and the change of the name of another system notice necessitated the revision of section 9.95. This action will inform the public of these administrative changes to the NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	01/09/87	51 FR 759
Final Action Effective	01/09/87	51 FR 759

Small Entity: No

Agency Contact: Michael T. Lesar, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7758**

RIN: 3150-AC39

3945. + ADJUSTMENT TO SECURITY ACCESS AUTHORIZATION FEE SCHEDULE PUBLICATION

Legal Authority: 42 USC 2201; 42 USC 2165; 42 USC 5841; 31 USC 9701

CFR Citation: 10 CFR 11; 10 CFR 25

Abstract: The final rule revises current regulatory requirements regarding the frequency of formal publication of changes to the Access Authorization Fees charged by NRC. Currently, section 25.17 states that revised fees will be published in the Federal Register during July of each year. A more accurate and efficient regulatory requirement would be to revise the access authorization fee schedule concurrent with the Office of Personnel Management's (OPM) notification to NRC of its background investigation rate changes since NRC's fees are wholly dependent on the rate charged by OPM. This rulemaking will keep the public and industry promptly informed of current fees while at the same time decrease, to the fullest extent possible, unnecessary future NRC rulemaking requirements. There is no additional burden or cost to the public or industry resulting from this rulemaking. The savings to NRC per year are estimated to be $13,200.

Timetable:

Action	Date	FR Cite
Final Action	10/02/86	51 FR 35206
Final Action Effective	10/02/86	51 FR 35206

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4124**

RIN: 3150-AC00

3946. + IMPROVED PERSONNEL DOSIMETER PROCESSING

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The final rule will require personnel dosimetry processors to meet specified performance standards and quality control criteria in order to reduce the widespread variations in both procedures and performance in the dosimetry processing industry.

The rule is necessary since numerous testing programs and dosimetry intercomparisons have shown that only 25 to 50% of processors are capable of meeting acceptable performance standards and that improvements in performance are at a virtual standstill.

The only alternative to rulemaking is no rulemaking and maintaining the status quo, an alternative that has been considered unacceptable for years. Several voluntary programs to improve the accuracy and reliability of dosimetry processing have been failures because of lack of participation by the majority of industry processors. Issuance of a Regulatory Guide alone to assist the processing industry is not considered feasible as an alternative since there is no obligation on the industry to follow such guidance in the absence of parallel rulemaking.

The issue will be addressed by requiring personnel dosimetry

Timetable:

Action	Date	FR Cite
ANPRM	03/28/80	45 FR 20493
ANPRM Comment Period End	06/27/80	45 FR 31118
NPRM	01/10/84	49 FR 1205
NPRM Comment Period End	03/12/84	49 FR 1205
Final Action	02/13/87	52 FR 4601
Final Action Effective	02/12/88	52 FR 4601

Small Entity: Yes

Additional Information: ABSTRACT CONT: processors to become accredited under the National Voluntary Laboratory Accreditation Program (NVLAP) operated by NBS, that among other things, requires proficiency testing against a national consensus standard, ANSI N13:11.

Approximately 90 dosimetry processors and 4500 NRC licensees will be affected by the rule with a total annual cost of accreditation to the processing industry of around $470,000 annually and a corresponding annual increase to licensees of about 6%, from $24.00 per worker to $25.43 per worker. The public and occupational workers will benefit from the improved accuracy and integrity of dose determinations and records. Other benefits include the continued assurance of personnel dosimetry processors competence and the formulation of a program that can be easily utilized by other State and Federal agencies.

Agency Contact: Don Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7989**

RIN: 3150-AA39

3947. DISPOSAL OF LOW-LEVEL RADIOACTIVELY CONTAMINATED WASTE OIL FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule, which is in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15) would amend NRC regulations to specify the criteria and limits to allow on-site burning of waste oil. Currently, the only approved disposal method for waste oil contaminated by low levels of radioactive material from nuclear plants involves absorption, or solidification, transportation to, and burial at a licensed disposal site. There is an urgent need for alternative disposal

methods which are most cost-effective from a radiological health and safety standpoint and, at the same time, conserve limited disposal capacity at low- level waste burial sites.

Both the public and industry will realize increased savings to ratepayers without undue risk to the public health, and conservation of limited disposal capacity at low-level waste burial sites. Alternatives to rulemaking are to maintain the status quo or to wait until the Environmental Protection (cont)

Timetable:

Action	Date	FR Cite
Withdrawn	10/30/86	

Small Entity: No

Additional Information: ABSTRACT CONT: Agency develops Federal guidance on acceptable levels of residual radioactivity which may be released on an unrestricted basis. There would be an estimated industry-wide economic savings of approximately $1.3 million to $2.6 million per year It is estimated that approximately 0.3 person years of NRC staff time will be required to process this proposed rule.

Agency Contact: Robert E. Alexander, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7976**

RIN: 3150-AC14

3948. ● CHANGES IN TELEPHONE NUMBERS FOR URANIUM RECOVERY FIELD OFFICE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20; 10 CFR 21; 10 CFR 73

Abstract: The Nuclear Regulatory Commission is amending it regulations to indicate changes in the commercial and FTS telephone numbers for the NRC's Region IV Uranium Recovery Field Office located in Denver, Colorado. The amendments are necessary to inform the public of these administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/06/86	51 FR 35499
Final Action Effective	10/06/86	51 FR 35499

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7086**

RIN: 3150-AC40

3949. ● REGIONAL NUCLEAR MATERIALS LICENSING FOR THE U.S. AIR FORCE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The final rule amends provisions concerning the domestic licensing of byproduct, source, and special nuclear materials. The final rule is intended to provide information about the further implementation of NRC's decentralized licensing program. This amendment implements another phase of the process by transferring the newly consolidated U.S. Air Force license to Region IV. The final rule is necessary to reflect the transfer of licensing authority, alternatives to rulemaking have not been considered. The final rule does not have any cost impact on NRC, the licensee or the public.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/86	51 FR 35999
Final Action	10/08/86	51 FR 35999

Small Entity: Not Applicable

Agency Contact: Vandy L. Miller, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4002**

RIN: 3150-AC31

3950. REQUIREMENTS FOR POSSESSION OF INDUSTRIAL GAUGES

Legal Authority: 42 USC 2211; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 31

Abstract: The Executive Director for Operations terminated this rule on November 26, 1986. The Staff decided to await completion of a study of other generally licensed device (other than gauges) before proceeding with proposed rule changes. The study is expected to be completed in February 1987 and may indicate a need for improved accountability for other devices in addition to gauges. Initiation of a new rulemaking will be considered when research is completed.

The advance notice of proposed rulemaking (ANPRM) would have sought comments on NRC's intent to modify its requirements governing the possession of industrial gauges. Some industrial gauges, have been improperly maintained, improperly transferred, or inadvertently discarded.

Timetable:

Action	Date	FR Cite
Withdrawn	11/26/86	

Small Entity: Yes

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AC28

3951. + MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 35

Abstract: The final rule revises Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the final rule is to consolidate and codify the requirements in the regulation. This rule will result in a clearer understanding of NRC requirements for all medical licensees. This revision is necessary in order to provide a clear consolidated statement of requirements. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. Because most of the requirements contained in this regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation.

This final rule includes a previously published (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/26/85	
NPRM Comment Period End	11/18/85	50 FR 30616
Final Action	10/16/86	51 FR 36932
Final Action Effective	04/01/87	51 FR 36932

Small Entity: Yes

Additional Information: ABSTRACT CONT: proposed rule requiring that the activity of each radiopharmaceutical dosage be measured before it is administered. (See 46 FR 43840; September 1, 1981-RIN 3150-AA12 Patient Dosage Measurement). It also includes the resolution of a petition regarding teletherapy dosimetry system calibrations (PRM-35-2).

Analysis: Regulatory Impact Analysis

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA73

3952. + COMMUNICATIONS PROCEDURES AMENDMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: This final rule amends the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities.

The final rule is expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.

The final rule (1) simplifies the procedures for making Part 50 submittals to the NRC; (2) facilitates the timely dissemination of Part 50 submittals to NRC staff; (3) reduces postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establishes a central NRC receipt point for Part 50 submittals; (5) includes the NRC Resident Inspectors in the formal communications; and (6) supersedes all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14.

Timetable:

Action	Date	FR Cite
Final Action	11/06/86	51 FR 40303
Final Action Effective	01/05/87	51 FR 40303

Small Entity: No

Agency Contact: Steve Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-8585**

RIN: 3150-AB61

3953. ● MINOR CORRECTIVE AMENDMENT

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The final rule adds information that was inadvertently omitted in section 50.54 (p) (1) and (2) when an amendment in a final rule published in November 1986 superseded an amendment to the same section that was published in a final rule in August. This action was necessary to correct the omission and to inform affected licensees of the need for a report to the NRC regarding changes to certain types of plans.

Timetable:

Action	Date	FR Cite
Final Action	12/31/87	51 FR 47206
Final Action Effective	12/31/87	51 FR 47206

Small Entity: No

Agency Contact: Michael T. Lesar, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7758**

RIN: 3150-AC38

3954. + ANNUAL FEE FOR NUCLEAR POWER REACTORS OPERATING LICENSES OR APPLICATIONS AND MAJOR MATERIALS LICENSES AND CONFORMING AMENDMENTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 51; 10 CFR 171

Abstract: The Nuclear Regulatory Commission (NRC) has issued a final rule that adds a new part to its regulations to prescribe an annual fee for all persons who have applied for a license or who hold a license to operate a nuclear power reactor and for major materials licensees. The annual fee will recover allowable NRC budgeted costs for reactor-related and certain materials-related regulatory services. The annual fee is necessary to comply with the recent Congressional mandate concerning Nuclear Regulatory Commission Annual Charges in the Consolidated Omnibus Budget Reconciliation Act.

Timetable:

Action	Date	FR Cite
Final Action	09/18/86	51 FR 33224
Final Action Effective	10/20/86	51 FR 33224

Small Entity: No

Agency Contact: C. James Holloway, Jr., Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7225**

RIN: 3150-AC30

3955. + FINANCIAL RESPONSIBILITY STANDARDS FOR LONG TERM CARE FOR LOW LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 10171

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The proposed rule was designed to provide standards to ensure that each licensee responsible for the disposal of low-level radioactive waste possessed an adequate bond, surety, or other financial arrangement to insure completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste site closure. Comments on the NPRM will define the nature and scope of the action.

The Executive Director for Operations terminated this rulemaking on November 26, 1986. Initiation of a new rulemaking will be considered when research is completed and agreement is reached on what the rule should accomplish.

Timetable:

Action	Date	FR Cite
Withdrawn	11/26/86	

Small Entity: No

Agency Contact: John Surmeier, Nuclear Regulatory Commission, Office of Nuclear Material Safety and

Safeguards, Washington, DC 20555, **301 427-4404**

RIN: 3150-AB57

3956. + RULE TO AMEND THE TRANSPORTATION PROVISIONS PERTAINING TO THE SHIPMENT OF LOW SPECIFIC ACTIVITY (LSA) MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The Executive Director for Operations terminated this rule on October 17, 1986. The prerequisite research information needed by the staff to develop the rule is being delayed because of the slippage by the Department of Transportation (DOT) managed contract to study the impact of LSA material accidents.

The proposed rule would have modified the LSA regulations to cover additional types of low specific activity materials (e.g., materials for decommissioning-operations) and established limits on potential hazards from external radiation resulting from accidental release of LSA materials in transit.

Timetable:

Action	Date	FR Cite
Withdrawn	11/26/86	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7690**

RIN: 3150-AB33

3957. ● IMPORTS OF URANIUM FROM SOUTH AFRICA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Abstract: The Nuclear Regulatory Commission is amending its regulations to remove the import of uranium ore and uranium oxide from the general license that permits the import of certain types of nuclear material under certain conditions. This action is necessary to implement the provisions of the Comprehensive Anti-Apartheid Act of 1986 which prohibits the import of this material into the United States as of December 31, 1986. There are no alternatives to rulemaking that would achieve the required objective. The rule will have little impact on the NRC or the public. However, the rule could have a substantial economic impact on private U.S. industries that convert South African-origin uranium oxide U308 to UF6 for enrichment purposes.

Timetable:

Action	Date	FR Cite
Final Action	12/31/86	52 FR 47207
Final Action Effective	12/31/86	52 FR 47207

Small Entity: Not Applicable

Agency Contact: Elaine O. Hemby, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-7630**

RIN: 3150-AC43

[FR Doc. 87-6645 Filed 04-24-87; 8:45 am]

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federal register

Monday
April 27, 1987

Part LVI

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6692, 34-24141, 35-24328, 39-2071, IC-15589, and IA-1060; File No. S7-7-87]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 87-6. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by June 30, 1987.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-7-87, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, NW., Room 7169, Stop 7-6, Washington, DC 20549 (202-272-7100). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981 within ten years of that date and for the review of all rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was approved by the Commission on August 28, 1986.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis.

The Commission's entries to the April 1987 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries as well as items carried over from the October 1986 publication. New entries are marked with an asterisk. Copies of this preamble and a list of the entries (which includes next action dates and identifies a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The agenda also is available for inspection and copying in the Public Reference Room (Room 1026) (File S7-7-87), as noted above.

The Commission invites public comment on the individual entries in its agenda of rulemaking actions and rules scheduled for review in the next twelve months.

DATED: February 27, 1987.

By the Commission.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3958	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties..	3235-AB45
3959	17 CFR 210 Proposed Additions to Rules and Guide for Disclosures concerning Reserves for Unpaid Claims and Claim Adjustment Expenses of Property - Casualty Underwriters.....	3235-AC44

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6656 (October 27, 1986) [51 FR 207].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3960	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Rules Relating to Proxy Contests	3235-AA03
3961	17 CFR 230.100 to 230.180 General Rules under the Securities Act of 1933--Rules 100 through 180 (excluding Rules 137, 138 and 139)	3235-AA52
3962	17 CFR 230.134 Rule 134 under the Securities Act of 1933	3235-AB80
3963	17 CFR 240. (not available presently) "Chinese Wall" Exemption under the Securities Exchange Act of 1934, as amended by the Insider Trading Sanctions Act of 1984	3235-AC14
3964	17 CFR 270.3a-6 Two-Tier Real Estate Companies	3235-AC84
3965	17 CFR 270.17f-5 Rule 17f-5 under the Investment Company Act of 1940	3235-AC85
3966	17 CFR 240.15b2-2 Registration of Government Securities Dealers; Amendments to Form BD	3235-AC90
3967	17 CFR 240.3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16
3968	17 CFR 240.17ad.8 Rule 17ad-8 of the Securities Exchange Act	3235-AC29
3969	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
3970	17 CFR 270.3c-5 Proposed Rule 3c-5 under the Investment Company Act	3235-AC03
3971	17 CFR 270.12d3-2 Proposed Rule 12d3-2	3235-AC36

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3972	17 CFR 210.9 Specific Disclosure Requirements for Savings and Loan Holding Companies	3235-AB65
3973	17 CFR 210 Request for Comments on "Opinion Shopping"	3235-AC02
3974	17 CFR 240.14d-1 to 240.14d-101 Concept Release on Takeovers and Contests for Corporate Control	3235-AA50
3975	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
3976	17 CFR 260 Trust Indenture Act Rules	3235-AB43
3977	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
3978	00 CFR Not yet determined Rulemaking for Operational Edgar System	3235-AC48
3979	17 CFR 230 Rule 153 Definition of Preceded by a prospectus as used in Section 5(b)(2) in relation to Certain Transactions	3235-AC61
3980	17 CFR 210 Facilitation of Multinational Securities Offerings	3235-AC64
3981	17 CFR 230 Proposed Rules for Limited Resales of Securities	3235-AC65
3982	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
3983	17 CFR 230 Prospectus delivery requirements in offerings for cash	3235-AC80
3984	17 CFR 240 Facilitating Shareholder Communications	3235-AC81
3985	17 CFR 230.701 Rules 701, 702 and Form 701	3235-AC82
3986	17 CFR 230.501 Regulation D	3235-AC83
3987	17 CFR 240.3a12-8 Rule 3a12-8 of the Securities Exchange Act of 1934	3235-AC88
3988	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11c-1 Under the Investment Company Act	3235-AA14
3989	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
3990	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
3991	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
3992	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
3993	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
3994	17 CFR 275.206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
3995	17 CFR 270 Standardized Formula for Calculating Investment Company Performance Data in Advertisements	3235-AC08
3996	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
3997	17 CFR 12b-1 Proposed amendments to Rules 12b-1 and 17d-3; Proposed Rules 2a32-1 and 2a35-1	3235-AC11
3998	17 CFR 274.11A N - 1A Housekeeping Amendments	3235-AC25
3999	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
4000	00 CFR NONE Advertising by Unit Investment Trusts	3235-AC70

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4001	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
4002	17 CFR 229 Proposed Rule Amendments Concerning Disclosure of Inflation-adjusted Information	3235-AC78
4003	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
4004	17 CFR 229.304 Conforming Amendments to Proxy Rules	3235-AC86
4005	17 CFR 229.512 Elimination of Certain Pricing Amendments and Revision of Prospectus Filing Procedures	3235-AC87
4006	17 CFR 240.3a12-8 Rule: 3a12-8of the Securities Exchange Act of 1934	3235-AC89
4007	17 CFR 240.11A(a)(2) Amendments to Rules 11Aa2-1 and 11Aa3-1	3235-AC91
4008	17 CFR 240. Amendments to Rules 15c3-1, 15c3-3, 17a-3 and 17a-13 Pertaining to Repurchase Agreements	3235-AC74
4009	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
4010	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
4011	17 CFR 239.15A Revisions to Expense-Related Disclosure Requirements of Form N-1A	3235-AB73
4012	17 CFR 275.206(4)-4 Disclosure of Legal and Disciplinary Proceedings	3235-AC06
4013	17 CFR 210.6-07 Accounting for Distribution Expenses	3235-AC07
4014	17 CFR 270.24f-2 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
4015	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
4016	17 CFR 230.174 Rule 174 Amendment - Prospectus Delivery During Quiet Period	3235-AC34
4017	17 CFR 270.6c-9 Exemption for the offer or sale of debt securities and non-voting preferred stock in the United States by foreign banks and subsidiaries organized to finance the operations of foreign banks	3235-AC37

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4018	17 CFR 231 Standards for Disclosure Regarding Foreign Public Sector Debt	3235-AB69
4019	17 CFR 210 Proposed Amendments to the Full Cost Method of Accounting for Oil and Gas Producing Activities	3235-AC43
4020	17 CFR 230.501 Form D of Regulation D	3235-AB77
4021	17 CFR 240.14a-13 Regulation 14A: Solicitation of Proxies Rule 14a-13 obligation of registrants. Rule 14b-2 obligation of banks, association and other fiduciary entities	3235-AC35
4022	17 CFR 239.463 Disclosure of Sales of Securities and Use of Proceeds therefrom	3235-AC62
4023	17 CFR 249.308a Results of Security Holder Meetings	3235-AC63
4024	17 CFR 240.10b-6 Amendments to Rule 10b-6	3235-AC92
4025	17 CFR 240.11A-1 Proposed Rule 11A-1-- Customer Order Exposure	3235-AA39
4026	17 CFR 240.15c2-4 Rule 15c2-4 -- Transmission or Maintenance of Payments Received in Connection with Underwritings	3235-AB57
4027	17 CFR 240.3b-3 Definition of "Short Sale"	3235-AC17
4028	17 CFR 240.10a-1 Short Sales	3235-AC18
4029	17 CFR 240.10a-2 Requirements for Covering Purchases	3235-AC19
4030	17 CFR 240.15c2-5 Rule 15c2-5: Disclosure and Other Requirements When Extending Credit in Certain Transactions	3235-AC20
4031	17 CFR 240.17Ad-1 Rule 17AD-1 of the Securities Exchange Act of 1934	3235-AC30
4032	17 CFR 240.11Ab2-1 Rule 11Ab2-1 of the Securities Exchange Act of 1934	3235-AC31
4033	17 CFR 249.1001 Form SIP	3235-AC32
4034	17 CFR 240.15b1-2 Rule 15b1-2 of the Securities Exchange Act of 1934	3235-AC33
4035	17 CFR 240.17a-13 Rule 17a-13 of the Securities Exchange Act of 1934	3235-AC46
4036	17 CFR 240.17a-10 Rule 17a 1Q of the Securities Exchange Act of 1934	3235-AC49
4037	17 CFR 240.15c2-7 Rule 15c2-7 of the Securities Exchange Act of 1934	3235-AC60
4038	17 CFR 270.31a-2 Records to be preserved by Registered Investment Companies, Certain Majority-Owned Subsidiaries thereof, and other persons having Transactions with Registered Investment Companies	3235-AC71

SECURITIES AND EXCHANGE COMMISSION (SEC)

Prerule Stage

Accounting Rules

3958. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Wayne G. Pentrack, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB45

3959. PROPOSED ADDITIONS TO RULES AND GUIDE FOR DISCLOSURES CONCERNING RESERVES FOR UNPAID CLAIMS AND CLAIM ADJUSTMENT EXPENSES OF PROPERTY - CASUALTY UNDERWRITERS

Legal Authority: 15 USC 77F; 15 USC 77G; 15 USC 77H; 15 USC 77J; 15 USC 77S; 15 USC 78L; 15 USC 78M; 15 USC 78N; 15 USC 78O; 15 USC 78W; 15 USC 79E; 15 USC 79N; 15 USC 79F; 15 USC 80A-8; 15 USC 80A-29

CFR Citation: 17 CFR 210

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose additions to the rules and guides concerning the underwriting and loss reserving experience of property - casualty underwriters. The proposed disclosures would be intended to assist investors in understanding and evaluating companies' reserving practices, the effect on reported income of adjustments to reserves established in prior periods and in comparing those practices and adjustments among entities.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Lawrence Salva, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC44

Disclosure Rules

3960. REGULATION 14A – RULES RELATING TO PROXY CONTESTS

Legal Authority: 15 USC 78n(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Legal Deadline: None.

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a-3 through 14a-10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a-11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefiting shareholders and issuers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Division of Corporation Finance, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA03

3961. GENERAL RULES UNDER THE SECURITIES ACT OF 1933–RULES 100 THROUGH 180 (EXCLUDING RULES 137, 138 AND 139)

Legal Authority: 15 USC 77s Securities Act

CFR Citation: 17 CFR 230.100 to 230.180

Legal Deadline: None.

Abstract: The Commission is conducting a "sunset" review of the thirty-nine rules contained in the "100 series" of general rules under the Securities Act. Generally, these rules define key terms used in the Securities Act. The object of this review is to eliminate any inconsistencies, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions. This project is in addition to the separate project to review Rules 137, 138 and 139.

Timetable:

Action	Date	FR Cite
NPRM	05/31/86	
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: CFR cite excludes 17 CFR 230.137, .138 and .139.

Agency Contact: Division of Corporation Finance, Special Counsel, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA52

3962. RULE 134 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b(10); 15 USC 77s(a)

CFR Citation: 17 CFR 230.134

Legal Deadline: None.

SEC

Prerule Stage

Abstract: The rule is being examined in response to informal requests from the public that its scope be broadened. These requests seek an expansion in the amount of information that may be included in Rule 134 advertisement by issuers selling direct participation programs. In the context of this rule-making action, Rule 134 is being fully reviewed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Division of Corporation Finance, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235-AB80

3963. "CHINESE WALL" EXEMPTION UNDER THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED BY THE INSIDER TRADING SANCTIONS ACT OF 1984

Legal Authority: 15 USC 78(u); 15 USC 78(w)

CFR Citation: 17 CFR 240. (not available presently)

Legal Deadline: None.

Abstract: The Commission intends to propose a rule under section 21(d)(2)(A)of the Securities Exchange Act of 1934 to exempt from liability for purposes of that section trading by multiservice firms under certain circumstances. The rule proposal will be similar in intent and design to Rule 14e-3(b) which establishes an exception from liability under Rule 14e-3(a) of the Exchange Act where an institution or other non-natural person has implemented reasonable procedures to ensure that individuals within the institution who make investment decisions on behalf of such person would not know or would not use material, non-public information within the possession of such person and that such individuals did not in fact know the information.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC14

3964. ● TWO-TIER REAL ESTATE COMPANIES

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.3a-6; 17 CFR 270.6c-9

Legal Deadline: None.

Abstract: The regulation will be designed to codify numerous exemptions from the provisions of the Investment Company Act of 1940 ("Act") granted to two-tier real estate limited partnerships. Exemptions from the Act pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation will reduce the number of exemptive relief applications received by the Office of Investment Company Regulation requesting exemptions for two-tier real estate limited partnerships.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Curtis Hilliard, Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3018

RIN: 3235-AC84

3965. ● RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None.

Abstract: Rule 17f-5 permits U.S. registered Investment Companies to maintain certain Securities and other assets in the care of an "Eligible Foreign Custodian" as that term is defined in the Rule. In response to comments that the present definition of an Eligible Foreign Custodian is too restrictive, the Commission is considering modifying the Rule.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas C. Mira, Staff Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7324

RIN: 3235-AC85

3966. ● REGISTRATION OF GOVERNMENT SECURITIES DEALERS; AMENDMENTS TO FORM BD

Legal Authority: 15 USC 78w; 15 USC 78o; 15 USC 78o-5

CFR Citation: 17 CFR 240.15b2-2; 17 CFR 240.15Ca1-1; 17 CFR 240.15Ca2-1; 17 CFR 240.15Ca2-2; 17 CFR 240.15Ca2-3; 17 CFR 240.15Ca2-4; 17 CFR 240.15Ca2-5; 17 CFR 240.15Cc1-1

Legal Deadline: None.

Abstract: The Commission is publishing for comment proposed rules to implement provisions of the Government Securities Act of 1986, which requires currently unregulated government securities brokers or government securities dealers to register with the Commission. Registered broker-dealers who act as government securities brokers or government securities dealers must file written notice with the Commission. The proposed rules prescribe the form and information required to be filed by government securities broker-dealers in their applications for registration with the Commission. The Commission also is publishing for comment proposed revisions to Form BD, the form used to

register as a broker-dealer. The proposed revisions adapt the form for use by government securities broker-dealers and enable government securities broker-dealers currently registered or registering with the Commission to use Form BD in order to notify the Commission of their activities as government securities broker-dealers.

Timetable:

Action	Date	FR Cite
ANPRM	02/18/87	
ANPRM Comment Period End	03/19/87	

Small Entity: Undetermined

Agency Contact: Lynne G. Masters, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AC90

Securities Markets and Securities Industry Rules

3967. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240.3a12-10; 17 CFR 230.180

Legal Deadline: None.

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous staff position.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235-AC16

3968. RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 17b; 15 USC 78g-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240.17ad.8

Legal Deadline: None.

Abstract: Rule 17Ad-8 requires a registered clearing agency, at the request of an issuer, to provide the issuer with a "securities position listing." A securities position listing is a list of the clearing agency's participants on whose behalf the clearing agency holds the issuer's securities as well as participants' position as of a specified date. The Rule further provides that the clearing agency may charge a reasonable fee for providing the list.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-7393

RIN: 3235-AC29

Investment Management Rules

3969. AMENDMENT TO RULE 180 – EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Legal Deadline: None.

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Brian Kaplowitz, Chief, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N. W.

SEC — Prerule Stage

(Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA08

3970. PROPOSED RULE 3C-5 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3c-5

Legal Deadline: None.

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to limited purpose finance subsidiaries that own or hold mortgage-related securities. This would obviate the necessity of these subsidiaries filing applications for exemptive relief.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: George Martinez, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3024

RIN: 3235-AC03

3971. PROPOSED RULE 12D3-2

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-2

Legal Deadline: None.

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Brian Kaplowitz, Chief, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AC36

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

3972. SPECIFIC DISCLOSURE REQUIREMENTS FOR SAVINGS AND LOAN HOLDING COMPANIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-29

CFR Citation: 17 CFR 210.9; 17 CFR 231; 17 CFR 241

Legal Deadline: None.

Abstract: The staff is considering whether to propose amendments to Industry Guide 3, statistical disclosure by bank holding companies and Article 9 of Regulation S-X. The formation of savings and loans holding companies has increased during the past several years to the point where approximately 60 savings and loan holding companies file with the Commission. In addition, a number of other registrants own savings institutions. The Commission's regulations do not specifically address the filing requirements for savings and loans, which have certain practices peculiar to the industry. The amendments, if proposed, would focus on disclosure requirements to enhance the comparability among registrants.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
Final Action	12/31/87	

Small Entity: Undetermined

Agency Contact: Laurel R. Bond, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB65

3973. REQUEST FOR COMMENTS ON "OPINION SHOPPING"

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o; 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210; 17 CFR 249

Legal Deadline: None.

Abstract: The Commission requested comments on the practice of registrants who seek an auditor who is willing to support a proposed accounting treatment which is intended to accomplish the registrant's reporting objectives, but which is not necessarily in accordance with generally accepted accounting principles. The staff is considering whether to recommend that the Commission amend Form 8-k to clarify the meaning of the term "disagreements" and to provide for increased disclosure of potential opinion shopping situations.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/85	50 FR 28219
ANPRM Comment Period End	10/09/85	50 FR 28219
NPRM	03/31/87	
Final Action	09/30/87	

Small Entity: Undetermined

Agency Contact: Robert E. Burns, Chief Counsel, Office of Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC02

Disclosure Rules

3974. CONCEPT RELEASE ON TAKEOVERS AND CONTESTS FOR CORPORATE CONTROL

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78c(b); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Legal Deadline: None.

Abstract: On January 9, 1986, the Commission authorized the staff to draft a release seeking public comment on three concepts relating to the regulatory corporate takeovers: (1) whether substantial acquisitions of securities effects during the pendency of, or subsequent to the termination of, a tender offer for such securities present issues with respect to takeover practice and, if so, whether a regulatory response such as one described herein is appropriate; second, on the need to establish a shareholder approval requirement for the adoption of "poison pill" security plans; (3) whether to establish provisions in the proposed all holders rule or other tender offer rules by which issuers may "opt-out" of the requirements of such rules through the adoption of charter amendments by shareholders. The Commission will review comments made in response to this release with a view towards determining whether future rulemaking or legislative proposals are necessary and appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period End	09/26/84	49 FR 26751
NPRM	07/31/86	
NPRM Comment Period End	12/01/86	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Bradley D. Belt, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-3097

RIN: 3235-AA50

3975. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 240.12h-2

Legal Deadline: None.

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: The Commission believes that these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Brian J. Lane, Attorney - Advisor, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW (Stop 3-12), Washington, DC 20549, 202 272-2589

RIN: 3235-AB14

3976. TRUST INDENTURE ACT RULES

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 260

Legal Deadline: None.

Abstract: The Trust Indenture Act and the rules promulgated thereunder are being examined comprehensively in order to update their requirements in light of current commercial and business practices. The Commission is considering both rule changes and proposed amendments to the Act itself. The primary areas of the Commission's focus are the qualifications for eligibility of, the duties imposed on and the procedures for qualification of indenture trustees.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: Undetermined

Agency Contact: William Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2573

RIN: 3235-AB43

3977. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None.

Abstract: The Commission intends to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees, particularly where they already have access to much of the required information under ERISA. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB79

3978. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: This rulemaking encompasses the changes necessary to mandate and accommodate electronic filing in the operational Edgar system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	
NPRM	05/31/87	

Small Entity: Undetermined

Agency Contact: Patricia M. Jayne, Edgar Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC48

3979. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230

Legal Deadline: None.

Abstract: The Prospectus Delivery Requirement for certain Transactions Effectuated on a National Securities Exchange may be satisfied by delivery to the Exchange. It is proposed that this Procedure be available for certain Transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	

Small Entity: Undetermined

Agency Contact: John Reynolds, Special Counsel, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC61

3980. FACILITATION OF MULTINATIONAL SECURITIES OFFERINGS

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None.

Abstract: In order to facilitate simultaneous multinational securities offerings among, initially, the United States, Canada and the United Kingdom, appropriate criteria are being sought to reconcile differences in disclosure standards, financial statement requirements and distribution system. The alternatives being considered include (1) a common prospectus approach under which all would agree on common disclosure standards, (2) a reciprocal approach under which the offering document used by the issuer in its domicile jurisdiction would be acceptable in the countries provided certain minimum disclosures are included and (3) a modified reciprocal approach whereby a domestic supplement containing prescribed disclosures would accompany the issuer's home jurisdiction prospectus. Also, the proposal may be limited initially to certain types of offerings or issuers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Carl T. Bodoius, Chief, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235-AC64

3981. PROPOSED RULES FOR LIMITED RESALES OF SECURITIES

Legal Authority: 15 USC 77d(1); 15 USC 77d(3); 15 USC 77s(a)

CFR Citation: 17 CFR 230

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose a new rule that would provide a safe harbor exemption from the registration requirements of the federal securities laws for limited private resales of securities in certain circumstances. The rule would permit unlimited resales of restricted securities and of securities held by affiliates to institutional investors and dealers if the issuer of the securities is a reporting company or if the securities are investment grade nonconvertible debt or preferred securities.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	

Small Entity: Undetermined

Agency Contact: Kenneth L. Wagner, Special Counsel, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC65

3982. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None.

Abstract: Other appropriate Criteria are being sought to establish the Threshold Level for companies to enter into the Securities Exchange Act of 1934 reporting system which would complement or be substituted for the present size criteria of 500 Shareholders and Total Assets of $5 Million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	
NPRM	04/01/87	

Small Entity: Undetermined

Agency Contact: Richard K. Wulff, Chief, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC66

3983. ● PROSPECTUS DELIVERY REQUIREMENTS IN OFFERINGS FOR CASH

Legal Authority: 15 USC 77s; 15 USC 77j

CFR Citation: 17 CFR 230

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose a new rule that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale of a security assuming certain conditions are satisfied. Proposal II would permit the final prospectus to follow the confirmation if interested investors receive expedited delivery of the final prospectus upon request. Under both proposals, offerings on Form S-3 and F-3 require that post-effective changes in Item 11 information be included in the final prospectus, and filed in a Current Report on form 8-K.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Gerard S. Difiore, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC80

3984. ● FACILITATING SHAREHOLDER COMMUNICATIONS

Legal Authority: 15 USC 781; 15 USC 78n; 15 USC 78w(c)

CFR Citation: 17 CFR 240

Legal Deadline: None.

Abstract: In order to avoid duplicative forwarding of proxysoliciting material to employee benefit plan participants who are beneficial owners and excessive recordkeeping burdens for both brokers and banks and to save costs for registrants, appropriate methods are being sought for excluding certain employee benefit plan participants from the shareholder communications rules. The alternatives being considered include: (1) an optional exclusion on the part of registrant if certain prerequisites are satisfied; (2) a mandatory exclusion without any trigger mechanism; (3) a mandatory exclusion with a trigger mechanism, and (4) an optional exclusion on the part of record holders and respondent banks if certain prerequisites are satisfied.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Sarah A. Miller, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2549

RIN: 3235-AC81

3985. ● RULES 701, 702 AND FORM 701

Legal Authority: 15 USC 77c(b); 15 USC 77s(a)

CFR Citation: 17 CFR 230.701; 17 CFR 230.702; 17 CFR 239.701

Legal Deadline: None.

Abstract: The Rules and Form provide an exemption from the registration requirements of the Securities Act of1933 for offers and sales of Securities pursuant to certain employment contracts and employee benefit plans of non reporting companies. Since some cost is involved in registration, the rules will provide some relief to small issuers.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	
NPRM Comment Period End	03/15/87	
Final Action	04/30/87	

Small Entity: Yes

Agency Contact: Karen Obrien, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC82

3986. ● REGULATION D

Significance: Agency Priority

Legal Authority: 15 USC 77b(15); 15 USC 77c(b); 15 USC 77d(2); 15 USC 77d(b); 15 USC 77s(a); 15 USC 77s(c)

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506

Legal Deadline: None.

Abstract: The proposed revisions would add to the number of persons who would qualify as accredited investors raise the dollar ceiling for certain exempt offerings and make general technical changes to the regulation which provides three different exemptions from the registration requirements of the securities act of 1933. The revisions by widening the scope of the exemptions will aid smaller businesses that will be able to raise needed capital without registering under the Securities Act.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	
NPRM Comment Period End	03/15/87	
Final Action Effective	04/30/87	

Small Entity: Yes

Agency Contact: Karen Obrien, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AC83

3987. ● RULE 3A12-8 OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78w; 15 USC 78a; 15 USC 78c(a); 15 USC 23(a)

CFR Citation: 17 CFR 240.3a12-8

Legal Deadline: None.

Abstract: The Rule currently designates certain United Kingdom, Canadian, and Japanese Government Securities as "Exempted Securities" under the Securities Exchange Act of 1934 for purposes of marketing futures contracts on those Securities in the U.S. Proposed modifications to the Rule will allow any country's Government Securities to be designated as an exempted Security so long as the external foreign debt of the country is rated in one of the two highest categories of a nationally recognized debt rating service alternatively, the proposed modification will add certain French, Australian, and New Zealand Government Securities to be designated "Exempt Securities."

Timetable:

Action	Date	FR Cite
NPRM	03/01/87	
NPRM Comment Period End	04/01/87	

Small Entity: No

Agency Contact: David Underhill, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2375

RIN: 3235-AC88

Investment Management Rules

3988. PROPOSED RULES 11A-3 AND 11C-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11c-1

Legal Deadline: None.

Abstract: The Proposed rules would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section prohibits any registered open-end investment company and its principal underwriter from making an offer to a shareholder to exchange his security for another security on any basis other than the relative net asset values of the respective securities to be changed, unless the terms have been submitted to and approved by the Commission or comply with rules the Commission may prescribe. Section 11(c) states in part that the terms of any offer of exchange involving the securities of registered unit investment trusts must also be submitted to and approved by the Commission or comply with rules the Commission may prescribe. Proposed rule 11a-3 would permit a mutual fund or its principal underwriter to make certain exchange offers to its own shareholders or to shareholders of another fund in the same family of funds. Proposed rule 11c-1 would permit a unit investment trust or its sponsor to make certain exchange offers to withholders of the same series or another series of the same trust or to unitholders of another unit investment trust

Timetable:

Action	Date	FR Cite
NPRM	12/23/86	51 FR 47260
NPRM Comment Period End	03/31/87	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: having the same sponsor. By codifying standards for a variety of exchanges, these proposed rules are intended to significantly reduce the number of exemptive applications filed with the Commission under Section 11.

Analysis: Regulatory Flexibility Analysis

Agency Contact: Brian P. Kindelan, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA14

3989. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

CFR Citation: Not yet determined

Legal Deadline: None.

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Ext'n of Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Brian Kaplowitz, Chief, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA44

3990. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None.

Abstract: On May 14, 1985, the Commission issued a release (Investment Company Act Release NO.14513 (50 FR 21282) soliciting public comment on proposed Form N-7, a form for registration of unit Investment Trusts and their securities under the Investment Act of 1940 and the Securities Act of 1933, and certain related rules and rule amendments. The Commission also published staff guidelines for the preparation of Form N-7. The proposed form would establish a two-part format for disclosure to prospective investors consisting of a simplified prospectus that can be use to satisfy the prospectus delivery requirements of the Securities Act of 1933 and a statement of additional information that would be available to prospective investors upon request and without charge. The Commission is proposing Form N-7 in order to (I) integrate the reporting and disclosure requirements of the Securities Act of 1933 and the investment trusts in one document; (II) codify in the form and guidelines the disclosure standards that have been developed for unit investment trusts; and (III) shorten and

simplify the prospectus while making available on request more extensive information not of routine(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	
NPRM Comment Period End	07/31/87	50 FR 21282

Small Entity: Yes

Additional Information: ABSTRACT CONT: interest to most investor.

Agency Contact: Jay Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA47

3991. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Legal Deadline: None.

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The staff is concurrently reviewing similar reporting requirements for investment advisers under Rule 204-2(a)(12) and (13) under the Investment Advisers Act, in order to (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: harmonize the provisions of Rule 17j-1 and Rule 204-2 to the extent possible.

Agency Contact: Meryl Dewey, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3038

RIN: 3235-AA68

3992. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None.

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Robert E. Plaze, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-7309

RIN: 3235-AA69

3993. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None.

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current

prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Debra J. Kertzman, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AB40

3994. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(3)-3

Legal Deadline: None.

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB74

3995. STANDARDIZED FORMULA FOR CALCULATING INVESTMENT COMPANY PERFORMANCE DATA IN ADVERTISEMENTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270

Legal Deadline: None.

Abstract: Performance quotations are widely used by investment companies in advertising the sale of their shares. Mutual funds other than money market funds, however, are not required to calculate their performance under a standardized formula. As a result, it may be difficult for and confusing to investors to compare the relative advantages of investing in different funds with similar investment objectives. The commission is considering proposing rule amendments to require investment companies other than money market funds to calculate their performance under standard formulas.

In addition the commission is considering proposing to modify a requirement that investment companies file all sales literature with the commission. Such sales literature is also filed with the NASD which reviews it for compliance with NASD rules as well the securities laws. the proposal might eliminate to filing requirement for investment companies filing with the NASD.

Timetable:

Action	Date	FR Cite
NPRM	09/17/86	51 FR 34384
NPRM Comment Period End	12/22/86	
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Because the proposed rule amendments are in their developmental stages, the potential effect on small entities and potential costs and benefits as a whole are unknown at this time.

Agency Contact: Robert E. Plaze, attorney advisor, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2098

RIN: 3235-AC08

3996. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6(4)

CFR Citation: 17 CFR 275.206(4)-1

Legal Deadline: None.

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert E. Plaze, Attorney Advisor, Securities and Exchange Commission, Division of

Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2098**

RIN: 3235-AC09

3997. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3; PROPOSED RULES 2A32-1 AND 2A35-1

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37; 15 USC 80a-12(b); 15 USC 80a-17(d)

CFR Citation: 17 CFR 12b-1; 17 CFR 17d-3; 17 CFR 2a32-1; 17 CFR 2a35-1

Legal Deadline: None.

Abstract: The Commission will consider whether to propose amendments to Rule 12b-1 under the Investment Company Act to redefine the circumstances under which investment companies may finance distribution out of fund assets. The Commission will also consider whether to propose amendments to Rule 17d-3 to allow investment companies that have the same investment adviser to jointly finance distribution activities under certain circumstances and conditions. Finally, the Commission will consider whether to propose Rules 2a32-1 and 2a35-1 under the Investment Company Act to allow investment companies to charge Contingent Deferred Sales Loads and to include such Contingent Deferred Sales Loads within the definition of a Sales load under the Act. These actions would abrogate the need for Investment Companies to file applications for exemptive relief.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Jack Murphy,** Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2030**

RIN: 3235-AC11

3998. N - 1A HOUSEKEEPING AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None.

Abstract: The Commission is considering several modifications to Form N1A which would reduce the number of copies that must be filed with the Commission, clarify the operation of item 15(c) of the Statement of Additional information with respect to series companies, and confirm the procedures for requesting the statement of additional information to those contained in Forms N-3 and N-4.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	09/30/87	

Small Entity: Undetermined

Agency Contact: **Debra Kertzman,** Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth street, N. W., Washington, DC 20549, **202 272-2107**

RIN: 3235-AC25

3999. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a); 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.10f-3

Legal Deadline: None.

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/86	51 FR 4386
ANPRM Comment Period End	04/07/86	51 FR 4386

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Ann Glickman,** Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235-AC28

4000. ADVERTISING BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: 00 CFR NONE

Legal Deadline: None.

Abstract: Currently unit investment trusts advertise their performance by means of an "estimated current return" which shows estimated cash flow. However, because there is no uniform method of computing the estimated current return, they cannot be compared by prospective investors. This rulemaking project will endeavor to create such a uniform method. A uniform method of computation will permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: **Robert E. Plaze,** Attorney, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-7309**

RIN: 3235-AC70

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

4001. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None.

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB15

Disclosure Rules

4002. ● PROPOSED RULE AMENDMENTS CONCERNING DISCLOSURE OF INFLATION-ADJUSTED INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 249

Legal Deadline: None.

Abstract: The Commission proposed revisions to Regulation S-K and Form 20-F to eliminate mandated supplemental disclosure regarding inflation and changes in prices.

Timetable:

Action	Date	FR Cite
NPRM	12/18/86	
Final Action	03/31/87	
Effective		

Small Entity: No

Agency Contact: James R. Bradow, Professional Accounting Fellow, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC78

4003. ● INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None.

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules that would require accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

Timetable:

Action	Date	FR Cite
NPRM	02/28/87	
Final Action	03/15/87	
Effective		

Small Entity: Undetermined

Agency Contact: John A. Heyman, Professional Accounting Fellow, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AC79

4004. ● CONFORMING AMENDMENTS TO PROXY RULES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 229.304; 17 CFR 239.25; 17 CFR 239.34; 17 CFR 240.14a-6; 17 CFR 240.14a-14; 17 CFR 240.14a-101

Legal Deadline: None.

Abstract: These proposed revisions would further conform the proxy disclosure for mergers and similar transactions to that required for registration of securities in certain business combinations and clarifying the timing requirements for such transactions where incorporation by reference is used. The proposed amendments also include a rule concerning modified or superseded statements in documents incorporated by reference into a proxy statement and revisions clarifying application of disclosure requirements concerning changes in accountants and deleting redundant language in the proxy statement fee regulation.

Timetable:

Action	Date	FR Cite
NPRM	11/20/86	51 FR 42073
NPRM Comment Period End	12/20/86	
Final Action	03/28/87	

Small Entity: Yes

Agency Contact: Caroline W. Dixon, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC86

SEC

Final Rule Stage

4005. ● ELIMINATION OF CERTAIN PRICING AMENDMENTS AND REVISION OF PROSPECTUS FILING PROCEDURES

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a)

CFR Citation: 17 CFR 229.512; 17 CFR 229.601; 17 CFR 230.424; 17 CFR 230.430A

Legal Deadline: None.

Abstract: The proposed amendments are intended to simplify the filing requirements applicable to a registration statement at the time of effectiveness. Proposed new Rule 430A under the Securities Act of 1933 would allow registrants, if specified conditions are satisfied, to omit information concerning the public offering price, price-related information and the underwriting syndicate from a registration statement that is declared effective. The information omitted from the registration statement would be either included in the final prospectus and incorporated by reference into the registration statement or included in a post effective amendment to the registration statement. In addition, related amendments to Rules 424(b) and 497 would require more immediate filing of a prospectus where Rule 430A has been used. Finally, other changes to Rule 424 would provide for a similarly shortened filing period for for other prospectuses to eliminate unnecessary filings and to classify prospectuses according to the nature of the information being modified or added.

Timetable:

Action	Date	FR Cite
NPRM	11/03/86	51 FR 39868
NPRM Comment Period End	12/18/86	
Final Action	03/28/87	

Small Entity: Yes

Agency Contact: Alexander G. Shtofman, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC87

4006. ● RULE: 3A12-8OF THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 78w; 15 USC 78a; 15 USC 78c(a); 15 USC 23(a)

CFR Citation: 17 CFR 240.3a12-8

Legal Deadline: None.

Abstract: The Rule currently designates certain United Kingdom, Canadian and Japanese Government Securities as "Exempted Securities" under the Securities Exchange Act of 1934 for purposes of marketing futures contracts on those Securities in the U.S. The Rule contains a number of conditions for such securities to be deemed exempt, including the condition that the futures be traded on a board of trade in the country that issues the underlying security. A proposed amendment will remove that condition, and allow such futures to be traded on boards of trade in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	07/18/86	51 FR 26018
NPRM Comment Period End	08/18/86	
Final Action Effective	03/31/87	

Small Entity: No

Agency Contact: David Underhill, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2375

RIN: 3235-AC89

4007. ● AMENDMENTS TO RULES 11AA2-1 AND 11AA3-1

Legal Authority: 15 USC 78k-1; 15 USC 78o-3; 15 USC 78b; 15 USC 78c; 15 USC 78f; 15 USC 78i; 15 USC 78j; 15 USC 78k; 15 USC 78o; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.11A(a)(2); 17 CFR 240.11A(a)(3)

Legal Deadline: None.

Abstract: The Commission is considering whether to adopt an amendment to Rule 11Aa2-1 to designate as National Market System("NMS") Securities all equity Securities for which real-time last sale reporting is required by an effective transaction reporting plan. Then Rule 11Aa3-1, the transaction reporting Rule, would be amended to require that the transaction reporting plans submitted under that Rule specify which Securities will be subject to last sale reporting. The amendments would result in the designation as NMS Securities all New York and American Stock Exchange("AMEX") listed Securities, Regional Exchange Securities substantially meeting the AMEX listing Standards, and Over-the-Counter ("OTC") Securities currently designated as NMS Securities, with the elimination of mandatory last sale reporting for OTC Securities, now designated as Tier 1, NMS Securities. The amendments thus would streamline NMS designation and provide the National Association of Securities Dealers with flexibility in initiating changes to standards for, and encouraging the development of, OTC trade reporting, with the Commission (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/86	51 FR 42856
NPRM Comment Period End	12/31/86	
Final Action Effective	04/30/87	

Small Entity: Yes

Additional Information: ABSTRACT CONT: retaining ultimate control over the standards. The amendments would likely impose no additional costs and indeed create benefits, including NMS designation for certain Exchange Securities and greater flexibility in modifying NMS standards.

Agency Contact: Alden Adkins, Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2857

RIN: 3235-AC91

Securities Markets and Securities Industry Rules

4008. AMENDMENTS TO RULES 15C3-1, 15C3-3, 17A-3 AND 17A-13 PERTAINING TO REPURCHASE AGREEMENTS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.

Legal Deadline: None.

Abstract: Currently, Rule 17a-13 requires registered broker-dealers to account for securities under their possession and control. The proposed amendments to Rule 17a-13 would specifically require registered broker-dealers to account for securities that are subjects of repurchase and reverse-repurchase transactions. Currently, Rule 17a-3 requires registered broker-dealers to create certain books and records. The proposed amendments to Rule 17a-

3 would specifically require registered broker-dealers to keep (i) records regarding the receivables and payables arising from repurchase transactions and (ii) records regarding the location of the securities involved in those transactions. Currently Rule 15c3-1 requires broker-dealers to maintain specified amounts of minimum net capital. The proposed amendments would change the deductions from net worth in arriving at net capital for certain repurchase transactions, increase the minimum required net capital for others, and disallow certain intercompany balances for net capital purposes. Currently Rule 15c3-3 requires registered broker-dealers to maintain possession and control of certain customer securities and to deposit (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/04/86	
Final Action	04/30/87	

Small Entity: No

Additional Information: ABSTRACT CONT: certain amounts into a "Special Reserve Account for the Exclusion Benefit of Customers". The proposed amendments to Rule 15c3-3 would require broker-dealers to disclose the rights and liabilities of parties to repurchase agreements including the fact that the Securities Investor Protection Corporation believes that repurchase agreements are not within its protection. The proposed amendments would also require registered broker-dealers to maintain possession and control, under certain circumstances, over securities that are the subjects of repurchase agreements where the broker-dealer has retained possession of the security.

Agency Contact: Michael Jamroz, Staff Accountant, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2398

RIN: 3235-AC74

Investment Management Rules

4009. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None.

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	45 FR 69479

Next Action Undetermined

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Division of Investment Management, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA12

4010. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Legal Deadline: None.

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Division of Investment Management, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AA16

4011. REVISIONS TO EXPENSE-RELATED DISCLOSURE REQUIREMENTS OF FORM N-1A

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 239.15A; 17 CFR 274.11A

Legal Deadline: None.

Abstract: On November 9, 1984, the Commission issued a release (Investment Company Act Release No. 14230; 49 FR 45172) soliciting public comment on proposed revisions to Item 5, Management of the Fund, of Form N-1A, the registration form under the Securities Act of 1933 and the

SEC

Final Rule Stage

Investment Company Act of 1940 used by open-end, management investment companies other than registered separate accounts of insurance companies. The revised Item 5 would require a consolidation of all narrative information in the prospectus concerning significant expenses of the registrant and would add a tabular presentation setting forth the major types of expenses, the names of the payees, and the amount of the expense, expressed as a percentage of average net assets.

Timetable:

Action	Date	FR Cite
NPRM	11/09/84	49 FR 45172
NPRM Comment Period End	01/14/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: John McGuire, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB73

4012. DISCLOSURE OF LEGAL AND DISCIPLINARY PROCEEDINGS

Legal Authority: 15 USC 80B-6(4)

CFR Citation: 17 CFR 275.206(4)-4

Legal Deadline: None.

Abstract: Section 206 of the Investment Advisers Act of 1940 prohibits a wide range of fraudulent activity by investment advisers. The Commission has interpreted this section to require that advisers disclose material financial and disciplinary information to clients. On September 19, 1986, the Commission proposed for public comment Rule 206(4)-4 to codify this disclosure obligation. The proposed rule sets forth a general standard and provides guidance on some of the disciplinary events that must be disclosed. By codifying the obligation and providing greater certainty to advisers in fulfilling it, the rule should help ensure that clients are provided with this material information. See Investment Advisers Act Release No. IA-1035, 51 FR 34229, September 26, 1986. The rule's impact on small entities cannot be qualified. However, the proposal by codifying an existing disclosure obligation, should not impose additional costs on advisers.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/86	
NPRM	09/26/86	51 FR 34229
NPRM Comment Period End	11/21/86	
Final Action	10/30/87	

Small Entity: Undetermined

Agency Contact: Debra J. Kertzman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W.(Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC06

4013. ACCOUNTING FOR DISTRIBUTION EXPENSES

Legal Authority: 15 USC 77f; 15 USC 80a-37

CFR Citation: 17 CFR 210.6-07

Legal Deadline: None.

Abstract: On July 10, 1985, the Commission proposed for public comment an amendment to Regulation S-X to require that registered investment companies account for net costs incurred as a result of 12b-1 plan as expenses. The amendment would achieve consistent accounting for 12b-1 expenditures thereby ensuring greater uniformity in the accounting practices of investment companies and allowing investors to more accurately compare investment results among investment companies. See Investment Company Act Release No. IC-14623, 50 FR 28953, July 17, 1985.

Timetable:

Action	Date	FR Cite
NPRM	07/17/85	50 FR 28953
NPRM Comment Period End	09/30/85	
Final Action	06/30/87	

Small Entity: No

Agency Contact: Debra Kertzman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC07

4014. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-2

Legal Deadline: None.

Abstract: Rule 24f-2 allows certain investment companies to register an indefinite number of their securities under the Securities Act of 1933. The rule was adopted by the Commission in 1977 in order to address the problem of oversales by investment companies. Although the rule is relied on by unit investment trusts, provisions of the rule regarding the payment of fees and the filing of notices may be unnecessarily burdensome for unit trusts under certain circumstances. The Commission is considering a rule which would streamline the procedures to be followed by unit investment trusts relying on the indefinite registration provisions of rule 24f-2. Because the proposed rule is in the developmental stages, its potential costs and benefits as a whole and the potential effect on small entities are uncertain at this time.

Timetable:

Action	Date	FR Cite
NPRM	01/31/87	
Final Action	07/31/87	

Small Entity: Undetermined

Agency Contact: Jay B. Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AC10

4015. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None.

Abstract: The Commission is considering publishing for public comment amendments to Rule 134, 436, and 482 under the Securities Act of 1933. The amendments would, if adopted, permit certain investment

SEC — Final Rule Stage

companies to use in their statutory and omitting prospectuses security ratings assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO'S consent to being named as an expert pursuant to Section 7 of the Securities Act. Without these amendments, eligible investment companies would need to continue to obtain the consent of the NRSRO. NRSRO's have refused to give this consent thereby making the use of ratings prohibitively expensive.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/16/86	51 FR 9838

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Jay Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235-AC24

4016. RULE 174 AMENDMENT - PROSPECTUS DELIVERY DURING QUIET PERIOD

Legal Authority: 15 USC 77s; 15 USC 77d

CFR Citation: 17 CFR 230.174

Legal Deadline: None.

Abstract: The proposed alternative amendments to Rule 174 would reduce or eliminate under certain circumstances the 40 or 90 day delivery period during which dealers must deliver a prospectus in aftermarket transactions in registered securities following a public offering.

Timetable:

Action	Date	FR Cite
Final Action	03/01/87	

Small Entity: Undetermined

Agency Contact: Larisa Dobriansky, Attorney Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 Fifth Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AC34

4017. EXEMPTION FOR THE OFFER OR SALE OF DEBT SECURITIES AND NON-VOTING PREFERRED STOCK IN THE UNITED STATES BY FOREIGN BANKS AND SUBSIDIARIES ORGANIZED TO FINANCE THE OPERATIONS OF FOREIGN BANKS

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-9; 17 CFR 274.304

Legal Deadline: None.

Abstract: Foreign banks and their finance subsidiaries are considered investment companies under the Investment Company Act of 1940. The rule would, under certain circumstances, permit a foreign bank or the bank's finance subsidiary to offer or sell its own securities or non-voting preferred stock in the United States without registering as an Investment Company under the Investment Company Act.In connection with the rule, foreign banks and certain foreign bank finance subsidiaries would be required to file proposed Form N-6c9.

Timetable:

Action	Date	FR Cite
NPRM	09/17/86	51 FR 34221
NPRM Comment Period End	12/26/86	51 FR 34221
Final Action	09/30/87	

Small Entity: No

Agency Contact: Ann Glickman, Attorney Advisor, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-7714

RIN: 3235-AC37

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

4018. STANDARDS FOR DISCLOSURE REGARDING FOREIGN PUBLIC SECTOR DEBT

CFR Citation: 17 CFR 231; 17 CFR 241

Completed:

Reason	Date	FR Cite
Final Action	11/25/86	51 FR 43594
Final Action Effective	12/15/86	51 FR 43594

Small Entity: Undetermined

Agency Contact: Wayne G Pentrack 202 272-2130

RIN: 3235-AB69

4019. PROPOSED AMENDMENTS TO THE FULL COST METHOD OF ACCOUNTING FOR OIL AND GAS PRODUCING ACTIVITIES

CFR Citation: 17 CFR 210

Completed:

Reason	Date	FR Cite
Withdrawn Commission voted not to eliminate the full cost method.	10/30/86	

Small Entity: Undetermined

Agency Contact: John W. Albert 202 272-2130

RIN: 3235-AC43

4020. FORM D OF REGULATION D

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506; 17 CFR 239.500

Completed:

Reason	Date	FR Cite
Final Action	10/02/86	51 FR 36385
Final Action Effective	10/10/86	

Small Entity: Yes

Agency Contact: Karen O'Brien 202 272-2644

RIN: 3235-AB77

4021. REGULATION 14A: SOLICITATION OF PROXIES RULE 14A-13 OBLIGATION OF REGISTRANTS. RULE 14B-2 OBLIGATION OF BANKS, ASSOCIATION AND OTHER FIDUCIARY ENTITIES

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-2; 17 CFR 240.14c-7

Completed:

Reason	Date	FR Cite
Final Action	11/25/86	51 FR 44267

Small Entity: Undetermined

Agency Contact: Sarah A. Miller 202 272-2589

RIN: 3235-AC35

4022. DISCLOSURE OF SALES OF SECURITIES AND USE OF PROCEEDS THEREFROM

CFR Citation: 17 CFR 239.463; 17 CFR 239.61; 17 CFR 229.601; 17 CFR 249.308a; 17 CFR 249.310

Completed:

Reason	Date	FR Cite
Withdrawn	11/06/86	

Small Entity: Undetermined

Agency Contact: Cecilia D. Blye 202 272-2573

RIN: 3235-AC62

4023. RESULTS OF SECURITY HOLDER MEETINGS

CFR Citation: 17 CFR 249.308a

Completed:

Reason	Date	FR Cite
This rulemaking project has been merged with rin 3235 ac-48.	12/31/86	

Small Entity: Undetermined

Agency Contact: Caroline W. Dixon 202 272-2589

RIN: 3235-AC63

4024. ●AMENDMENTS TO RULE 10B-6

CFR Citation: 17 CFR 240.10b-6

Completed:

Reason	Date	FR Cite
Final Action	01/16/87	52 FR 2994

Small Entity: Yes

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AC92

4025. PROPOSED RULE 11A-1--CUSTOMER ORDER EXPOSURE

CFR Citation: 17 CFR 240.11A-1

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/86	

Small Entity: Undetermined

Agency Contact: Alden Adkins 202 272-2388

RIN: 3235-AA39

4026. RULE 15C2-4 -- TRANSMISSION OR MAINTENANCE OF PAYMENTS RECEIVED IN CONNECTION WITH UNDERWRITINGS

CFR Citation: 17 CFR 240.15c2-4

Completed:

Reason	Date	FR Cite
Withdrawn	10/01/86	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AB57

4027. DEFINITION OF "SHORT SALE"

CFR Citation: 17 CFR 240.3b-3

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AC17

4028. SHORT SALES

CFR Citation: 17 CFR 240.10a-1

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AC18

4029. REQUIREMENTS FOR COVERING PURCHASES

CFR Citation: 17 CFR 240.10a-2

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AC19

4030. RULE 15C2-5: DISCLOSURE AND OTHER REQUIREMENTS WHEN EXTENDING CREDIT IN CERTAIN TRANSACTIONS

CFR Citation: 17 CFR 240.15c2-5

Completed:

Reason	Date	FR Cite
End Review	12/29/86	

Small Entity: Undetermined

Agency Contact: Edward L. Pittman 202 272-2904

RIN: 3235-AC20

4031. RULE 17AD-1 OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.17Ad-1

Completed:

Reason	Date	FR Cite
Final Action	10/02/86	51 FR 36547

Small Entity: Undetermined

Agency Contact: Joseph McDonald 202 272-2411

RIN: 3235-AC30

4032. RULE 11AB2-1 OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.11Ab2-1

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Alden Adkins 202 272-2827

RIN: 3235-AC31

4033. FORM SIP

CFR Citation: 17 CFR 249.1001

SEC

Completed Actions

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Alden Adkins 202 272-2827

RIN: 3235-AC32

4034. RULE 15B1-2 OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.15b1-2

Completed:

Reason	Date	FR Cite
End Review	01/27/87	

Small Entity: Undetermined

Agency Contact: Edward L. Pittman 202 272-2848

RIN: 3235-AC33

4035. RULE 17A-13 OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.17a-13; 17 CFR 240.15 (c)(3)

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: France M.T. Maca 202 272-2807

RIN: 3235-AC46

4036. RULE 17A 1Q OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.17a-10

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: No

Agency Contact: France M.T. Maca 202 272-2807

RIN: 3235-AC49

4037. RULE 15C2-7 OF THE SECURITIES EXCHANGE ACT OF 1934

CFR Citation: 17 CFR 240.15c2-7

Completed:

Reason	Date	FR Cite
End Review	03/31/87	

Small Entity: Undetermined

Agency Contact: Alden Adkins 202 272-2397

RIN: 3235-AC60

4038. RECORDS TO BE PRESERVED BY REGISTERED INVESTMENT COMPANIES, CERTAIN MAJORITY-OWNED SUBSIDIARIES THEREOF, AND OTHER PERSONS HAVING TRANSACTIONS WITH REGISTERED INVESTMENT COMPANIES

CFR Citation: 17 CFR 270.31a-2

Completed:

Reason	Date	FR Cite
Final Action	11/13/86	
Final Action Effective	11/24/86	51 FR 42207

Small Entity: Yes

Agency Contact: John McGuire 202 272-2107

RIN: 3235-AC71

[FR Doc. 87-6646 Filed 04-24-87; 8:45 am]

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SUBJECT INDEX TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

Sequence Number

A

Accounting:
- Accountants, mandatory peer review of independent....4003
- Accrual basis of accounting....789
- Airline uniform system of accounts and reports....2001
- Audit procedures for commercial bills of lading....3039
- Audit requirements for state and local governments....369
- Automated clearing house method....2063, 2065
- Colleges and universities, governmentwide standards for audit....553
- Farm Credit System regulatory practices....3620
- Monetary rates....3414
- Motor carriers of passengers, uniform system of accounts for....3840
- Motor carriers of property requirements....3836
- Nuclear fuel regulations....3705
- Payment of substitute documents....3051
- Principles, generally accepted....3735
- Rail costing system, uniform....3824
- Railroads, uniform system of accounts for....3845
- Single Audit Act implementation....554
- Single audit requirements for state and local governments....552
- Single audit for universities....3165

Advertising:
- Airline tickets....1562
- American viticultural areas....2068
- Athletes and athletic events, depicting use of alcoholic beverages....2073
- Distilled spirits....2073, 2077, 2087
- Games of chance....3817
- Home insulation....3819
- Interest on deposits....3796
- Investment advisers....3996
- Investment company performance data....3995
- Light (Lite), use of word....2087
- Malt beverages....2073, 2077, 2087, 2091
- Negative option rule....3822
- Non-generic designations of grape wine....2075
- Ophthalmic goods and services....3812
- Pesticides restriction....2707
- Political....2194
- Retail food store practices....3815
- Wine....2069, 2073, 2077, 2087

Advisory Committee Management, Federal....366, 3011, 3084

Age, nondiscrimination....181, 378, 1025, 1060, 1360, 1586, 2685, 2943, 2979, 3913

Agricultural commodities:
- Cotton....7, 11, 14, 19, 21, 22, 31, 55
- Credit guarantees....108
- Cropland conversion to permanent vegetation....46
- Dairy products:
  - Donations to needy overseas persons....3088
  - Export incentive program....112
- Disaster relief for foreign governments....3087
- Feed grain price support program....20
- Grain....7, 10, 31, 39
- Honey....6, 15
- Importation entry status....51
- Inspection, grading, and classing fees....3
- Inspection fees for storage warehouses....39
- Milk price support level....35, 36
- National inventory system....86
- Overseas donations....111
- Peanuts....5, 18, 28, 43, 47
- Processed, regulation for procurement....32
- Production on highly erodible land and wetland....30
- Production under total quality control....106
- Rice....7, 8, 26, 31, 39
- Soybean crops....45
- Soybean loan program....12

Agricultural commodities—Continued
- Speculative position limits for futures contracts....3576
- Sugar beets and sugarcane....27, 34
- Sugar imports, quota system....109, 110
- Supply regulation....59
- Tobacco....13, 17, 24, 25, 33, 37, 38, 44, 48, 49
- Wheat:
  - Common program provisions....7, 31
  - Donations to needy overseas persons....3088
  - Supply for domestic and foreign utilization....9, 29
- Wool and mohair....16, 23

Agriculture:
- Alien farmworkers....1425, 1439
- Commercial lender's farm ownership and operating loans....62
- Farmer loan program....63
- Gypsy moth, regulating movement of outdoor household articles....50
- Migrant and seasonal farmworkers....1404, 1415
- Relocation assistance....151

Aid to families with dependent children:
- Administrative involvement....869
- Deficit Reduction Act, implementation of the....872
- Eligibility, Medicaid extension....873
- Eligibility factors....70
- OASDI lump sum and monthly payments treatment....582
- Payments, scope of....863
- Policy consistency....868
- Quality control system....864
- Refugees, costs for assistance....865
- State practice-quality control....871
- Support and maintenance assistance....646
- Utility payments....867
- Work incentive programs....1441

AIDS, acquired immune deficiency syndrome....581, 685, 3417

Air carriers:
- Air traffic reporting....1987
- Cargo rate changes on 30 days notice....1560
- Cargo tariff publications....1557
- Certification and operations specifications....1786
- Charter rules, liberalization of....1566
- Collection of service segment and charter data....2002
- Customs duties and inspection....2114
- Financial information, collection of....2015
- Financial and operating statistics....2022
- Fitness determination, limitation on....1597
- Flammability standards for material used in cargo or baggage compartments....1720
- Flights within a Metropolitan Area, diversion of....1573
- Foreign, exemption of bilateral service agreement....1593
- Foreign, names....1578
- Foreign freight forwarders, joint tariff filing....1600
- Form 41 report....2022
- Handicapped persons, nondiscrimination....1564, 1602
- Insurance for taxi operators....1592
- Market data from foreign, collection of....2000
- Market data reporting....1987
- Modernize evidentiary and service requirements....1595
- Names....1578
- Oversales....2029
- Overseas military personnel charter tariffs....1558
- Passenger funds, financial protections....1566
- Passengers, responsibility....1573, 1588
- Report of passengers denied confirmed space....2029
- Reports....2003
- Review of agreements and applications....1596
- Revocation of operating authority....1597
- Seat maximum payload....1983

Sequence Number

Air carriers—Continued
Selection for limited designation markets....1598
Service defaults, consumer protection....1555
Service subsidy for the Freely Associated States....1601
Subsidy claims....1594, 1998
Uniform system of accounts and reports....2001
Air pollution control:
Air pollutants regulations....2853
Aluminum reduction plants....2916
Ambient air quality standards:
Carbon monoxide....2850
Nitrogen dioxide....2849
Ozone....2877
Asbestos emission standards....2868
Asbestos products....2733
Asphalt roofing manufacturing plants....2852, 2904
Benzene emissions from coke ovens/by products plants....2905
Bubble, emission offsets, netting, and emission banking....2946
Butadiene emissions....2873
Cadmium emissions....2854
Carbon tetrachloride emissions....2873
Cement plants continuous opacity monitors....2900
Chemicals emissions, synthetic organic....2863
Chloroform emissions....2873
Chromium comfort cooling towers....2871
Chromium electroplating....2872
Chromium or hexavalent chromium compounds emissions....2869
Chromium process coding towers....2870
Coal preparation plants....2851
Diesel fuel modification....2884
Emission performance warranty regulations....2882
Emissions test procedures for light-duty vehicles....2913
Emissions trading policy....2946
Environmental protection....2885
Ethylene dichloride emissions....2873
Ethylene oxide emissions....2873
Evaporative emissions/fuel volatility, excess....2876
Fuel and fuel additive emissions....2855
Gas emission monitoring systems....2889
Gasoline lead content ban....2912
Guideline on air quality models....2907
Hazardous substances:
Air toxicants, waste....2922
Radionuclides....2926
Heavy-duty engine NOx and PM emission credits....2878
Hydrocarbon emissions standards for light-duty trucks....2875
Imported motor vehicle emission certification procedure....2880
Imported motor vehicles and engines emission requirements....2909
Lead health and welfare reassessment....2857
Magnetic tape manufacturing emissions....2903
Mercury emission/monitoring, recordkeeping and reporting requirements....2906
Methanol-fueled new motor vehicles emission standards....2908
Methylene chloride emissions....2873
Motor vehicle hydrocarbon emissions....2877
National parks....1146
New source review of chemicals manufactured....2888
Noise control....1719, 1737, 1743, 1750, 1796, 1829, 2792
Oil and gas operations in the OCS....1232
Organic solvent cleaners emissions....2861
Ozone health and welfare information reassessment....2858
Particulate emission standards....2879
Particulate matter....2887
Particulate matter and nitrogen oxide emissions....2915
Perchlorethylene dry cleaning....2860
Perchloroethylene emissions....2873
Petroleum refineries hydrogen sulfide emissions....2917
Petroleum refinery wastewater systems emissions....2865
Residential wood combustion units particulate matter emissions....2902
Self-serve fuel switching prevention....2883
Sewage treatment plants....2896
Small industrial-commercial-institutional boilers source performance standards....2866
Solvent degreasing....2890

Sequence Number

Air pollution control—Continued
State implementation plans....2914
Stratospheric ozone protection strategy....2874
Sulfur dioxide....2895
Sulfur dioxide emissions from fossil fuel-fired steam generators....2898
Sulfur dioxide emissions from industrial boilers....2899
Sulfur oxides....2856
Technical standards for corrective action....2810
Trap-equipped diesel vehicles and engines....2881
Trap-oxidizers for particulate control....2881, 2884
Treatment, storage, and disposal facility area source air emissions....2886
Trichloroethylene emissions....2873
Unleaded gasoline use in emissions and fuel economy testing of light-duty trucks motorcycles and hea....2910
Vehicle voluntary aftermarket parts certification....2911
Vinyl chloride....2918
Visibility protection by States....2859
Volatile organic compound emissions....2862, 2864, 2891, 2892, 2893, 2894, 2901, 2903
Wet-cola-charged coke oven batteries emissions....2867
X-ray test procedures for measuring lead content in fuels....2919
Air transportation:
Pilots and other personnel standards....1717, 1722, 1727, 1730, 1766, 1794
Schools....1723
Traffic control systems....1746, 1800
Aircraft:
Airships....1826
Airworthiness certification....1773
Airworthiness directives and standards....1718, 1724, 1725, 1726, 1728, 1729, 1731, 1732, 1733, 1739, 1741, 1742, 1757, 1760, 1762, 1763, 1764, 1769, 1770, 1771, 1772, 1777, 1778, 1792, 1795, 1798, 1802, 1803, 1804, 1805, 1810, 1811, 1812, 1815, 1823, 1824, 1825, 1826
Airworthiness review....1749, 1787, 1788
Altitudes under IFR....1830
Army airfields, use of....331
Arresting systems....355
Balloons....1776
Balloons inspections....1808
Cessna finance petition....1759
Customs user fees....2116
Dealer registration certificate....1827
Flammability standards for material used in cargo or baggage compartments....1720
Fleet modernization strategies....1735
Flight plan and transponder requirements....1807
Fuel system modification records, identification and retention of....1809
Gliders....1826
Gliders training requirements for pilots....1808
Government, use for official travel....3049
Helicopters....1743, 1745, 1780, 1806, 1828
High altitude flyover noise standard....1737
Kites....1776
Liability insurance for personnel of foreign missions....1549
Noise restricted special flight....1829
Noise standards....1719, 1737, 1743, 1747, 1765, 1796, 1829
Parts and products....1721, 1814
Pilots and other personnel standards:
Airman training and certification....1766
Drug and alcohol use, control of....1753
Flight attendant flight time limitations and rest requirements....1734
Flight attendants, deplaning and boarding requirements....1752
Flight engineers skill requirements....1727
Medical standards and certification....1722
Medical standards and certification procedures....1717
Pilots and flight instructors certification....1730
Recreation pilots and annual flight review, certification....1794
Ultralight airman certification requirements....1774
Product changes requiring a new type certificate....1785

Sequence Number

Aircraft—Continued
Propeller-driven small airplanes 1796
Registration of titles and security documents 1736
Repair station requirements 1738
Restrictions on landing at energy nuclear sites 510
Rotorcraft 1744, 1760, 1761, 1767, 1771, 1779, 1801, 1820
Rotorcraft airworthiness standards 1816
Rotorcraft certification requirements 1790
Safety:
Air carrier, certification and operations 1724
Air taxi operations 1725
Airspace review recommendations, national 1757
Airspace system, exemption of regulations 1726
ATC transponders, system tests 1729
Bird impact and lightning protection 1769
Breathing equipment, protective 1795
Cabin fire protection 1742
Carry-on baggage 1793
Certification procedures 1826
Computer category airplanes 1823
Crash-resistant fuel systems 1741
Crashworthiness program 1718
Emergency exit location, passenger 1751
Engine control systems 1805
Engine fuel and induction systems 1777
Fatigue integrity of small airplane empennage structure 1803
Firefighting, rescue, and airport refueling 1792
Flight data recorder requirements 1815
Flight rules, instrument 1810
Flight rules, instrument approach procedures 1812
Flight rules instrument requirements 1728
Foreign air carriers and operators 1802
Instruments or equipment, inoperative 1760
Low-fuel-quantity alerting system 1732
Maintenance agreements 1778
Nighttime VFR weather minimums 1804
Occupant restraint systems in rotorcraft 1744
Operational regulations 1772
Power source for public address system 1798
Propulsion system, safer 1764
Seat maximum payload 1983
Seat/restraint systems 1718
Stall speeds 1824
Subsonic airplanes, high altitude operation 1731
Takeoff trust control system, automatic 1762
Transport category airworthiness 1763
Turbulence criteria, continuous 1825
Ultralight airman certification requirements 1774
Voice communications radios, antiblocking devices 1733
Wet and contaminated runways, takeoff on 1770
Wind shear equipment requirements 1739
Security control 1791
Seizure and forfeiture of alien 1373
Smoking notices to passengers 1567
Supersonic noise compliance 1750
Terminal control areas 1755, 1756
Titles and security documents 1819
Traffic control avoidance system 1754
Traffic control systems 1800
Transponder requirements 1784
Turbojet noise compliance 1750
Ultralight 1748, 1775
Ultralights, powered 1773, 1774
Unmanned free balloons 1776
Unmanned rockets 1776
USAF installations, use of 356
Airlines:
Baggage liability notices 1574
Contractor, government 527
Countersign notices to passengers 1575
Direct flight, ban use of term 1572
Electronic filing of tariffs 1563
Employee benefits 1418
Handicapped persons, nondiscrimination 1564
Interstate transportation 1591

Sequence Number

Airlines—Continued
Mail rates, zones for 1589
Passenger origin-destination survey 2027
Passengers, air fare 1997
Price advertising 1562
Reports, confidentiality 2003
Ticket agents, unfair and deceptive practice 1559
Ticket escrow/bond protection 1556
Time and mileage guides 1571
Traffic control avoidance system 1754
Travelers, prohibit age discrimination 1590
Uniform system of accounts and reports 2001
Airports:
Aircraft arresting systems 355
Delays, elimination of 1746
Heliports 1789
John F. Kennedy International 1822
LaGuardia 1822
Noise compatibility planning 1789
O'Hare International 1822
Passenger ceiling policy 1740
Public land leases 1353
Taxicab permits 1821
Terminal control area, San Diego 1783
Terminal control areas, airspace review 1768, 1817
Terminal control areas 1755, 1756
Traffic, density, rule 1822
Traffic control avoidance system 1754
Traffic control systems 1800, 1822
Washington Dulles International 1740
Washington Metropolitan 1740, 1797, 1818, 1821, 1822
Weapons and other dangerous objects, carriage of 1799
Airspace:
Airspace review recommendations, national 1757
Nuclear facilities, prohibited areas 1745
Objects affecting navigable 1758
Offshore review 1781
Reclassification 1782
Regulations, nonsignificant 1813
Terminal control areas, airspace review 1768, 1817
Transponder, use of 1817
Airworthiness directives 1811
Alaska:
Chugach National Forest 113
Community development block grants, Alaskan Native villages 1014
Fish and wildlife conservation 113
Historic preservation 1128
Land use, National Forest 119
Marine mammals 1095
Migratory birds, subsistence take 1078
National park concessions 1124
National parks 1142, 1165
National Wildlife Monuments 1102, 1103
National Wildlife Refuges 1098
Native cemetery sites 1128
Supplemental security income program 598
Trans-Alaska pipeline liability fund 1059
Transportation and utility systems 1165
Watershed, Petersburg 117
Alcohol and alcoholic beverages:
Alcohol abuse 552
Athletes and athletic events, depiction 2073
Beer 2076, 2078
Caloric content, labeling and advertising 2087
Distilled spirits 2066, 2067, 2070, 2073, 2076, 2077, 2087, 2094, 2095, 2096
Donation of abandoned and forfeited personal property 3045
Light, refers only to reduced alcohol content 2095
Malt beverages, labeling and advertising 2077
Malt beverages 2073, 2087, 2091
Percentage-of-alcohol-by-volume statement 2096
Proof, reduced 2095
Recordkeeping requirements 2074

Sequence Number

Alcohol and alcoholic beverages—Continued
Vodka, standard of identity ... 2084
Whiskies, straight ... 2085
Wine...2066, 2067, 2068, 2069, 2071, 2072, 2073, 2076, 2077, 2086, 2087, 2088, 2089
Aliens:
Agriculture employment ... 1403, 1404, 1425
Asylum procedures ... 1372
Barring classification as business visitors ... 1388
Criminals ... 1376
Deportation ... 1368, 1372, 1376, 1386
Employment certification ... 1433, 1434
Employment denials of certification ... 1437
Farmworkers ... 1439
Housing assistance to ineligible, restrictions ... 891
Labor Certification Appeals Board ... 1437
Marriage fraud ... 1384
Medical examinations ... 665
Medicare eligibility ... 801
Narcotics traffickers ... 1376
Nonimmigrant temporary employees ... 1380
Permanent residence, lawful admission ... 1383
Physicians, employment of ... 1431
Powers and duties of immigration service officers ... 1381, 1382
Refugees ... 874
School enrollment ... 1382
Seizure and forfeiture of vehicles, vessels, and aircraft ... 1373
User fees for inspection of persons applying for admission into U.S. ... 1374
Voluntary departure ... 1368
All Volunteer Force ... 3408
All-terrain vehicle safety ... 3591
American eagle gold coins ... 3740
American viticultural areas ... 2068
Animal welfare:
Drugs ... 671, 676, 680, 681, 691
Horses and burros, wild and free roaming ... 122, 144
Humane and healthful transport ... 1086
Pet ownership in assisted rental housing ... 897
Southern Sea Otter ... 1090
Antidumping duties ... 190, 194, 197, 198
Antitrust mergers or acquisitions, review of ... 3816
Aquatic resources, conservation ... 340
Archeological resources, protection ... 152, 3378, 3442
Archives and records:
Audiovisual management ... 3140
Confidential treatment ... 3731
Copiers, use of in National Archives research rooms ... 3138
Credit unions ... 3866, 3882
Disposition of Federal records ... 3135
Documentation, adequate and proper ... 3123
Electronic recordkeeping management ... 3026
Electronic records management ... 3134
Employee Medical Folder ... 3126
Federal agencies responsibilities ... 3123
Fees for reproduction of material ... 3136
Freedom of Information Act ... 3128, 3136, 3139
Information, retention and retrievability ... 3123
Information treatment ... 3731
Inspection and copying ... 2684
Medical record request form ... 3126
Microfiche/microfilm of comprehensive payrolls ... 3124
Microfiche/microfilm of individual earnings and paycards ... 3124
Microfilm equipment, use of privately owned ... 3138
Micrographics management ... 3129
National Archives building, public use ... 3125
National Personnel Records Center ... 3124, 3126
NRC's system of records notice ... 3944
Patent and Trademark Office ... 300
Presidential Libraries ... 3138, 3141
Presidential Records Act implementation ... 3131
Research rooms in field facilities ... 3141
Restrictions on access ... 3128
Security of records used by the public ... 3141
State Historical Records Advisory Boards ... 3127

Sequence Number

Archives and records—Continued
Statistical research in records containing personal information ... 3133
Storage media and formats, erasable and complex ... 3123
Armed forces:
Certificates of separation ... 352
Claims and tort litigation ... 351
Defense Advanced Research Projects Agency ... 323
Defense Logistics Agency ... 322
Delivery to civil authorities for trial ... 348
Environmental impact analysis process ... 349
Firearms and weapons on military reservations ... 333
Foreign tax relief program ... 346
Fort Lewis Military Reservation, Washington ... 332
Marine Corps seal, emblem, names, or initials ... 345
Military law ... 330, 342
National cemeteries ... 334
Public affairs policies and procedures ... 350
Ready Reserve, mobilization of ... 328
Scientific and technical papers ... 312
Selective service regulation ... 3342
Standard of conduct ... 321
Arms and munitions:
Armor piercing ammunition, restrictions ... 2080
Firearms dealers, recordkeeping ... 2081
Gun Control Act Amendments ... 2093
Military explosives regulations ... 1607
Astronauts ... 3096
Atlantic sea scallops ... 246, 295
Atomic Safety and Licensing Appeals Board ... 3912
Atomic waste disposal program, defense ... 515
Audiovisual records management ... 3140
Authority delegations:
Civil rights ... 3103
Defense Logistics Agency ... 322
Domestic energy supplies ... 2966
Freedom of information appeals ... 3732
Heads of offices, HUD ... 1027
Oil and gas inspection and enforcement ... 1330
Urban mass transportation ... 1975
Vessels inspection review ... 1646
Automobile liability insurance for personnel of foreign missions ... 1549
Automobile measurement rule ... 3767

B

Bank deposit insurance:
Clarification and definition ... 3693
Law, powers inconsistent with Federal ... 3695
Rules of practice and procedure ... 3690
Banks, banking:
Acquisition of control, disapproval ... 3690
Automated clearing house method ... 2063, 2065
Bank holding companies ... 3791, 3797, 3798, 3799, 3800, 3801, 4018
Book-entry securities of GNMA ... 1015
Capital ratios, minimum ... 2102
Cease-and-desist orders, issuance of ... 3690
Civil penalties, assessment of ... 3690
Collective investment funds ... 2097, 2104
Conservators and receivers ... 3734
Control, change in ... 3791, 3797, 3798, 3799, 3800, 3801
Corporate activities ... 2109
Costs of adjustable rate mortgages (ARMS) ... 3802
Credit by brokers and dealers ... 3788, 3789, 3790
Credit guarantees ... 108
Credit unions ... 3871, 3885
Crime and suspected crime, reports of ... 2108
Crimes and suspected crimes ... 2111
Deposit insurance coverage definition ... 3693
Depository institutions, reserve requirements ... 3793
Direct investment by insured institutions ... 3739
Direct investment surveys ... 168
DOD installations, procedures governing ... 315
Electronic fund transfers ... 3784, 3794

Sequence Number

Banks, banking—Continued
Examinations and investigations....3743
Farm credit:
Accounting practices....3620
Capital adequacy....3617
Change of address....3621, 3624
Conservatorships....3642
Consolidations....3642
Correct division and agency changes....3626, 3631, 3632
Correct reference to location of control banks for cooperatives 3633
Correct titles and reference incorporation of fiscal agency....3622
District director elections....3643
Division and agency changes....3625
Eligibility standards for cooperatives....3609
Enforcement of nondiscrimination on the basis of handicapped 3619
Equal housing lender poster....3639
Examinations, audits, and investigations....3640
Funding and fiscal affairs....3616, 3617, 3630, 3638
Incorporation of fiscal agency....3618
International financing agreement, banks for cooperatives....3615
Lending limits for banks for cooperatives....3614
Loan policies and operations....3629, 3637
Loans outside bank's territory....3610
Meetings of the Federal Farm Credit Board....3628
Mergers....3642
Methods of financing, loan qualification....3611
Obligations eligible for discount or purchase, loan participation 3612
Organization....3635
Organizational divisions and sections....3623
Overall review of FCA regulatory approval requirements....3613
Personnel administration....3607, 3636
Privacy Act regulations....3627, 3634
Publication of reports....3641
Receiverships....3642
Release of information....3608, 3626, 3631
Stockholder borrower rights....3642, 3644
Territory transfers....3642
FDIC meetings of the Board of Directors....3692
Federal deposit insurance law, powers inconsistent with....3695
Federal home loan banks....3734, 3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744
Federal Reserve System members....3695
Fiduciary powers of National Banks....2097, 2104
Financial disclosure to shareholders, annual....2107
Financial statement disclosure about loans to related parting....3958
Foreign banks....3695, 4017
Foreign country loans....2100
Foreign currency dealers....2057
Foreign missions, procedures for restricting services....1551
Forms, instructions, and reports....3696
Gold bullion coin transactions....3740
Government Securities Act....2056
Hearing rules for administrative hearings....2098
Housing guaranteed obligations....1013
Information, disclosure of....3691
Information availability rules....3792
Interest on deposits....3796
International operations....3786, 3795
Investment securities regulations....2101
Lending limits to individual borrowers....2110
Loans:
One borrower, Federal home loan banks....3736
Recordkeeping requirements....3742
Membership of State banking institutions....3785
Money laundering, problem of....2057
Mortgage-backed securities....1016, 2101
Name on logo, common....3699
National banks....3695
Nonmember banks....3689, 3694, 3695
Powers and duties....3738
Practice and procedure, rules of....3690
Public observation of meetings, rules governing....3692

Sequence Number

Banks, banking—Continued
Real estate development....3695
Real estate investment activities....3798
Real estate lending....2106
Regulatory capital definition....3735
Reinsurance....3695
Removal or suspension, orders....3690
Reporting and recordkeeping requirements....2057
Sanctions upon a municipal securities dealer, imposition of....3690
Savings banks, federally chartered....3695
Savings and loan associations....3734, 3737, 3738, 3972
Secrecy Act compliance....3698
Secrecy Act enforcement....2057, 2108, 2111
Securities Exchange Act disclosure rules....2100
Securities of insured nonmember....3689, 3694
Securities offering disclosure rules....2103
Securities recordkeeping and confirmations....3694
Securities transfer agents, registration of....3697
Security devices and procedures....2108, 2111, 3787
Shareholders, detailed and meaningful information....2100
State banks....3695
Subsidiary activities....3695
Supervision of operations....2105
Surety business....3695
Termination of insured status, involuntary....3690
Testimony and production of documents in Court....2099
Truth-in-lending....3802, 3804
Underwriting insurance....3695
Unsafe and unsound practices....3699
Wire transfer systems, risk on large-dollar....3803, 3805
Barbeque standard....104
Barges:
Exception of vertical sector lights requirements....1707
Inspection....1703
Rules on carrying dangerous cargo....1627
Bilingual education program....372, 374, 375, 376
Black lung program....579, 586, 600, 613, 640, 1288
Boats:
Casualty reporting for recreational....1606
Dealers, requirements for first purchase list....1620
Recreational fuel system standard....1695
Transporters, specialized equipment....1842
Bridge inspection standards....1864
Buildings:
Accessible design, guidelines and requirements....2689
Standards for access to and use by handicapped....2691
Buses, charter....1971
Business, small:
Certificate of competency....3345, 3376, 3377, 3446
Compliance audits of small investment companies....3348
Development center....3359
Disaster loan program....3368
Dredging definition....3361
Economic impact of rules and standards under Consumer Product Safety Act....3604
Eligibility as manufacturer or regular dealer....1408
Fraud civil remedies regulations, program....3363
Government contracts....3365
Insurance requirements....3063
Investment companies....3348, 3358, 3366, 3367, 3374
Loan policy....3372
Loans to State and local development companies....3357, 3371
Minority....3351
PASS system user fees....3350
Rights to inventions....298
Size determination....3349
Size standards....3347, 3360, 3373
Subcontracting plans....3021
Timber sale set-aside program....139
Time of size determination self-certification....3370
Travel agency size....3354
Business and franchising opportunities....3809
Business and industry:
Agriculture guaranteed loan program....60

Sequence Number

Business and industry—Continued
Aliens, barring classification as business visitors....1388
American vendors of goods and services to foreign missions....1549
Franchise and business opportunities....3809
Funeral industry practice rule....3806
Pipelines and marketing affiliates....3718
Uranium mill sites, radon standards for inactive....3929

C

Cadastral survey, public lands....1344
Cash management:
Automated clearing house method....2063, 2065
Funding techniques for Federal programs....2064
Chemicals:
Acrylate/methacrylate....2715
Carcinogen policy....1492
Comprehensive assessment information rule....2736
Dioxins/Furans....2726
Ethylene dibromide....1529
Fees for processing premanufacture notices on new chemical substances....2725
Formaldehyde regulatory investigation....2719
Hazardous substances:
Acute air toxicants....2922
Ethylene oxide....1493
Methylene chloride....1524
Tetrachoroethylene....2789
Trichloroethylene....2789
Vinyl chloride....2789
Volatile organic compound emissions....2893
Health and safety reporting rule....2735
Inorganic and organic....2790
Methylene chloride (dichloromethane)....2721
Polychlorinated Biphenyls....2720, 2732
Preliminary assessment information rule....2734
Specific significant new use rules....2731
Test rules for Interagency Testing Committee....2713
Toxic substances control list....2717
Toxic substances follow-up rules....2728, 2729
Child labor:
Hazardous occupations:
Bakery machine operation....1410
Motor vehicle drivers and helpers....1412
Slaughtering, meat-packing or processing....1411
Minors between 14 and 16 years of age....1396
Minors 16 and 17 years of age....1410, 1411, 1412
Children:
Abduction, international....1550
Abuse and neglect, prevention and treatment....573
Aid to families with dependent....70
Bunk bed safety standard....3597
Child support arrears, retroactive....870
Child support collections distribution....654
Child support enforcement audit regulations....653
Child support enforcement program....866
Child support payments, disregard of....657
Child-resistant disposable lighters....3592
Costs for needy or absent parents....656
Education, handicapped....408, 463, 464, 465, 467, 468, 469
Education, refugees....373
Education in Federally-impacted areas....397, 398, 409
Food distribution program....77
Foster Grandparent Program....2687
Handicapped....570
Head Start program....562, 564, 566, 568, 569, 570, 574
Household substances, resistant packaging....3598
Indian....1224
Interstate support enforcement....655
Lead-based paint hazard detection and elimination....895
Lead-based paint hazard elimination....896
Medical support enforcement....651
Missing, use of penalty mail to assist in location and recovery 161, 3484
Packaging, child-resistant....3596, 3606
Runaway and homeless....565

Sequence Number

Children—Continued
School breakfast, lunch, and milk programs....83
Welfare services....563
Cigarette papers and tubes....2083
Citizenship and naturalization:
Asylum procedures....1372
Certificates....1385
Deportation proceedings....1365, 1376, 1386
Documentary requirements....1376, 1378
Foreign licensed attorneys....1364
Immigration appeals procedures....1369
Immigration judge proceedings....1370
Immigration judges....1363, 1371
Immigration user fees....1375
Marriage fraud....1384
Nonimmigrant classes....1376, 1377
Permanent residence, lawful admission....1383
Suspension of deportation and voluntary departure....1368
Civil defense:
Common use items....2967
Defense production priorities....2974
Dispersal of facilities....2976
Earthquake hazards reduction program....2989
Emergency blood program....2970
Emergency health and medical occupations....2971
Energy supplies, domestic....2966
Industrial plant equipment....2969
Mobilization base....2965, 2975
National oil and hazardous substances pollution contingency plan....2929
Priority use of resources....2973
Radiological emergency....2982, 2983
State and local emergency management assistance....2997, 3005
Strategic and critical materials....2968
Training and education, emergency management....2981
Civil Remedies Act, Program Fraud....546, 878, 1394, 1548, 3111, 3363, 3441, 3775
Civil rights:
Age discrimination....181
Authority delegations....3103
Complaint procedure....3285, 3286
Equal employment opportunity....2950, 2955
Fair housing:
Procedures for processing complaints....1024
Property insurance....1026
Federally-assisted programs....3119, 3150, 3407
Nondiscrimination....3085, 3353
Remedial relief to complainant....2958
Transportation, Department of....1583, 1966
Veterans education....3421
Voting rights....1362
Claims:
Administrative offset, collection by....3284
Administrative offset....887
Arts, National Endowment of the....3144
Collection of debts owed the U.S....3077
Commodity Credit Corporation....4
Consumers, preservation of....3813
Crime insurance, critical....3006
Denied, filing period....915
Education, Department of....360, 371
Environmental Protection Agency....2941
Fishermen's Protective Act....1547
Hazardous substance damage assessments....1055
Health and Human Services, Department of....560, 561
Housing....923
Indian judgement funds....1187
Interest and penalties....3334
Interstate procedures for processing....3846
Monetary....3115
National contingency plan for hazardous wastes response costs 2931
Negligent HUD inspection of FHA-insured properties....919
Policies and procedures....351

Sequence Number

Claims—Continued
Program Fraud Civil Remedies Act....1548, 3111
Social security disability....578
Trans-Alaska pipeline liability fund....1059
Vessels, Panama Canal....3280
Veterans....3419
Coal:
Abandoned mine land funding....1289
Abandoned mine lands....1267
Definition of "valid existing rights"....1272
Environmental issues....1333
Experimental practices....1279
Exploration....1268
Federal lands program....1270
Hearings and appeals....1069, 1070
Leasing and management....1334
Management provisions and limitations....1355
Mine waste disposal....1280
Miners medical examinations....664
Preparation plants....1292
Rate guidelines for small shippers....3830
Support facilities....1265
Surface mining...1064, 1259, 1260, 1271, 1274, 1275, 1276, 1282, 1287, 1288, 1290, 1291
Surface mining - backfilling and grading....1281
Valuation for royalty purposes....1235
Coastal zone management:
National Estuarine Reserve management....266
Outer Continental Shelf....280
State programs, federally-approved....267
Commercial space transportation:
Information requirements....1579
Insurance, third-party liability....1565
Launch safety review....1579
Licensing procedures....1579
Mission review....1579
National security and foreign policy issues....1579
Rocket launches, prohibition by statute....1565
Committee Management, Federal Advisory....366, 3084
Commodity futures:
Adverse actions, review of....3580
Agriculture commodities, limits for contracts....3576
Broker bankruptcy....3585
Charge for adjusted net capital....3578
Commission merchants....3578
Contract markets, default situations....3585
Contract markets, option positions....3584
Dealer options....3577
Debit/deficit accounts, treatment of....3578
Foreign futures and option contracts....3579
Guaranteed accounts, treatment of....3578
Minimum financial and related reporting requirements....3578
Nonpublic information, regulations....3581, 3583
Open contracts transfer or liquidation....3585
Open positions, liquidation of....3585
Option; contracts and margin treatment....3582
Registration processing functions, transfer of....3586
Repurchase agreements....3578
Commodity programs, agricultural....59
Common carriers:
Maritime carriers....3751, 3780
Motor carriers...3825, 3826, 3833, 3836, 3839, 3840, 3841, 3847, 3848, 3850, 3851, 3852
Railroads...3823, 3824, 3827, 3829, 3832, 3834, 3835, 3838, 3842, 3844, 3845, 3849, 3853, 3855, 3856
Rate guidelines for non-coal commodities....3830
Water carriers....3825
Communications:
AM antenna proofs....3683
AM application acceptance criteria deletion....3662
AM broadcasting new look....3661
AM clear channels, foreign class I-A....3663
AM daytime-only, operation during day light savings time....3667
AM interference standards....3675
Broadcast auxiliary frequency band....3679

Sequence Number

Communications—Continued
Broadcast call signs....3670, 3671
Broadcast industry, equal opportunity employment....3676
Cable TV ownership information....3681
Cellular radio licensing procedures....3648
Consumer bands, open up....3655
Daytimers issues....3674
DBS: receiver standards....3677
Emission limits, re-establish....3655
Equipment and interchange plant....3688
Fixed services....3656
FM directional antenna....3684
FM technical clean-up....3664
FM and TV boosters....3672
Foreign class I-A AM clear channels....3663
Frequencies, local transmission service allocation....3654
Frequency controls, external....3685
Land mobile radio services....3685, 3686
Licensees and end users, enhanced service options....3687
Licenses, cellular radio procedures....3648
Licensing procedures....3646
LPTV national filing window....3682
Medical ultrasonic equipment....3657
Mobile services....3656, 3659
MTS and WATS market structure amendment....3647
Nighttime operation for daytime-only stations....3674
Noncommercial broadcast stations issues/programs list public file requirements....3666
Operating rules and sharing arrangement....3649
Policies and procedures....3680
Private land mobile radio services....3650
Public safety national plan....3653
Radio multiple ownership and cross ownership rules....3668
Record of telecommunications employee training....1526
Remote control security devices....3652, 3658
Satellite communications facilities....3645
Satellite system, tracking and data relay....3116
Satellite television stations....3669
Satellites, duty-free entry....3120
Spectrum allocation....3653
Studio location requirements, main....3665
Technical deregulations....3660, 3678, 3679
Teletext service....3678
TV broadcast rules....3660
TV ownership information, cable....3681
UHF TV channels....3651
UHF TV spectrum....3650
UHF TV stations, protection from adverse economic competition 3673
Wireline common carriers....3686
Community development:
Alaskan Native villages, block grants....1014
Block grant programs...548, 552, 881, 883, 1003, 1004, 1005, 1006, 1010, 1014
Business development program....187
Credit union program....3874
Design and construction of buildings to accommodate the physically handicapped....170
Drug-free....383, 399, 400
Employment of expediters and administrative employees....175, 179
Enterprise zone program....1002
Environmental protection....174, 880
Environmental quality....881
Environmental review procedures for block grant programs....883
Escrow accounts for contractors....1004
Financial assistance....182, 183, 184
Flood insurance program....174
Food commodities for disaster relief....3087
Housing loans for elderly or handicapped....942
Indians, block grants....1007, 1014
Nonmilitary training programs....3089
Property management standards....172, 173
Protection of interest in facilities....185
Public works impact areas....176, 177

Sequence Number

Community development—Continued
Regional centers program ... 400
Rehabilitation loan program ... 1012
Rental rehabilitation grant program ... 1008
Sale of loans to private sector ... 171
Technical assistance, discretionary awards ... 1009
Unfair competition ... 178
University centers program ... 180
Compact of Free Association ... 1601
Computer technology:
Automatic data processing equipment ... 3055, 3081
Brooks Act exclusive procurement authority ... 3081
Cartridge and cassette tape drives ... 210
Codes for identification of States, etc ... 227
Computer system input/output interface ... 212
Data encryption ... 213
Flexible disk cartridge drives and host controllers ... 211
Information processing standards:
Basic programming language ... 219
C programming language ... 225
Codes for the identification of aquifer names and geographic units ... 202
Computer graphics metafile ... 224
Database language NDL ... 218
Database language SQL ... 216
Generalized markup language ... 204
Geographic point locations for information interchange ... 228
Information resource dictionary system ... 220
Intelligence peripheral interface ... 223
Interface between data terminal equipment ... 221
Internetwork protocol ... 201, 222
Message transfer protocol ... 200
MUMPS programming language ... 229
One-half inch magnetic tape interchange using a self loading cartridge ... 207
Optical character recognition (OCR) dot matrix character sets ... 217
Programming languages ... 203
Recorded formats for flexible disk cartridges ... 208
Recorded magnetic tape cartridge ... 205, 209
Serial recorded magnetic tape cartridge ... 206
Session protocol ... 199
Specification for a data description file for information interchange ... 230
Transport protocol ... 215
Unix operating system derived environments ... 226
Microfilm, computer output ... 3124
Open system interconnection procurement ... 214
Semiconductor chip products ... 2117
Confidential business information:
Aviation economic-related ... 1981
Carrier or shipper waybill data ... 3838
Federal Reserve Board rules ... 3792
Fishery conservation and management statistics ... 235
Freedom of information ... 3745
Information ... 2942
Records and documents filed with FERC ... 3731
Testimony and production of documents in Court ... 2099
Conrail ... 2061
Conservation reserve program ... 46
Construction:
Aliens, barring classification as business visitors ... 1388
Asbestos prohibition for commercial vessels ... 1654
Buildings to accommodate the handicapped ... 170, 3437
Electric utilities ... 3725
Energy performance standards:
New buildings ... 501, 507
Family housing ... 3155
Housing for very low-income persons ... 64
Nuclear power plants and reactors ... 3937, 3938
Rail connecting tracts ... 3831
Records for tests and inspections ... 1527
Schools in Federal-impacted areas ... 405
State Veterans Homes ... 3387, 3469
Vessels ... 1678

Sequence Number

Consumer protection:
Air carrier service defaults ... 1555
Airline countersign notices ... 1575
All-terrain vehicles ... 3591
Appliances, energy information labeling ... 3818
Asbestos ... 3603
Bunk beds safety standard ... 3597
CAB rules review ... 1561
Child-resistant disposable lighters ... 3592
Child-resistant packaging requirements ... 3598
Claims and defenses, preservation of ... 3813
Diapers, ingestion and flammability hazards ... 3594
Economic impact of rules on small businesses ... 3604
Effervescent tablets containing aspirin ... 3606
Electric toy regulations ... 3605
Electronic video games, exemption ... 3590
Energy efficiency standards for appliances ... 503
Energy efficiency test procedures:
Central air conditioners ... 506
Water heaters ... 502
Flammable Fabrics Act, rules and standards ... 3587
Franchise and business opportunities ... 3809
Fruit or vegetable diluted juice beverages, labeling for percent of juice ... 689
Funeral industry practice ... 3806
Games of chance advertisements ... 3817
Hazardous Substances Act, rules and standards ... 3589
Home insulation labeling and advertising ... 3819
Interstate land sales registration ... 947
Mail order merchandise ... 3808
Merchandising, negative option rule ... 3822
Methylene chloride, ban on household products ... 3600, 3601
Mobile home sales and service ... 3820
Ophthalmic practice rules (eyeglasses) ... 3812
Pharmaceuticals, good manufacturing practice ... 669
Physical commodities, regulations ... 3577
Poison Prevention Packaging Act, rules and standards ... 3588
Premerger notification rules and report form ... 3816
Retail food store advertising and marketing practices ... 3815
Sales, cooling-off period for door-to-door ... 3807
Television carts, tip-over hazards ... 3593
Textile, wool, and fur products content disclosure ... 3810
Tremolite, ban on household products containing ... 3595
Truth-in-lending ... 3802, 3804
Vocational and home study schools, proprietary ... 3814
Warranties ... 3811, 3821
Wood products made with urea-formaldehyde resins ... 3602
Copyrights:
Acquisition regulations changes ... 3101
Recordation with Customs ... 2113
Cotton:
Common program provisions ... 7, 31
Extra long staple ... 14
Loan program regulations ... 19
Price support program ... 21, 22, 55
Supply for domestic and export use ... 11, 22
Upland program ... 22
Countervailing duties ... 190, 194, 197, 198
Crabs, tanner and king ... 294
Credit:
Brokers and dealers ... 3788, 3789, 3790
Costs of adjustable rate mortgages (ARMS) ... 3802
Debt disclosure to reporting agencies ... 42
Truth-in-lending ... 3802, 3804
Credit unions:
Applications, requests, or submittals ... 3877
Assets, liabilities, and capital ... 3884
Authority to cash checks and money orders ... 3872
Bank Bribery Act ... 3871
Bank Secrecy Act compliance ... 3885
Board procedures, rules of ... 3875
Borrowed funds from natural persons ... 3865
Cash fund ... 3872
Charters, new ... 3884

Sequence Number

Credit unions—Continued
Commercial loans/concentration of assets 3879
Community development program 3874
Compensation of officials 3863
Conservatorships and liquidations procedures 3868
Corporate 3869
Definition of regulations 3859
Depositories and financial agents of the Government 3864
DoD installations, procedures governing 314
Employee responsibility and conduct 3867
Financial, statistical, and other reporting requirements 3860
Information, availability of 3882
Insurance 3878, 3883
Interest, refund of 3873
Loan interest rates 3880
Loans 3861, 3862
Low and moderate income members, services to 3886
Merger procedures 3878
Mortgage-backed obligations 3870
National security information procedures 3882
Nondiscrimination requirements 3858
Organizational format 3882
Payout priorities for involuntary liquidation 3881
Real estate loans and appraisals 3858
Records, disclosure of official 3882
Records preservation program 3866
Regulations 3882
Reserves 3857
Share draft program 3876
Crime:
Criminal intelligence systems operating policies 1391
Insurance program, Federal 2996
International child abduction, civil aspects of 1550
Powers and duties of immigration service officers 1381
Program Fraud Civil Remedies Act 1548, 3111
Real estate settlement kickbacks 953
Science and engineering research 3153
Vehicle theft prevention 1934, 1952
Cropland conversion to permanent vegetation 46
Cultural resource management 1340
Currency, American eagle gold coins 3740
Customs duties and inspection:
Accounting and interest on delinquent accounts 2119
Air carrier cargo tariff publications 1557
Air commerce regulations 2114
Airlines electronic filing of tariffs 1563
Automobile measurement rule 3767
Cargo rate changes on 30 days notice 1560
Commodities, excepted exemptions 3770
Communication satellites, duty-free entry 3120
Customs brokers annual fee 2116
Electronic filing of tariffs 3826
Entry documentation filing 2115
Foreign air freight forwarders, joint tariff filing 1600
Maritime carriers:
Automated tariff filing 3750
Equipment interchanged 3772
Terminal operator tariffs 3778
Overseas military personnel air charters tariffs 1558
Semiconductor chip products 2117
Space articles, duty-free entry 3120
Stores, duty-free 2112
Truck detention, increase in penalties 3779
Unfair and deceptive practice by airline ticket agents 1559
User fee on formal entries of imported merchandise 2118
User fees for processing persons, aircraft, vehicles and merchandise 2116
Waterborne commercial cargo 2120

D

Debt collection:
Administrative offset procedures 2059
Administrative and salary offset claims 887
Arts, National Endowment of the 3144
Claims owed the U.S. 3077

Sequence Number

Debt collection—Continued
Collection agency referrals 56
Collection of claims by administrative offset 3284
Commerce, Department of 189
Committee on Waivers and Compromises 3482
Commodity Credit Corporation 42
Education, Department of 360, 367, 371
Environmental Protection Agency 2941
Health and Human Services, Department of 560, 561
Income tax refund offset, small business 3375
Interest provisions, implementation 893
Labor, Department of 1395
Monetary claims 3115
Railroad retirement 3334, 3336
Tax refund offset regulations 2060
Veterans Administration 3406
Defense Advanced Research Projects Agency 323
Defense Logistics Agency 322
Defense Production Act 2966, 2967, 2974
Disaster assistance:
Agricultural commodities to foreign governments 3087
Community loans 2987
Crisis counseling assistance, and training 3007
Declaration process 3002
Emergency food assistance for victims 79
Flood 2978, 2991, 2992, 2999
Hazard mitigation 3000
Housing assistance program, temporary 3008
Hurricane preparedness 2994
Loan program 3368
Preparedness 2990
Project administration 3003
Public assistance, costs of 3001
Unemployment assistance program 1422
Diseases:
AIDS, acquired immune deficiency syndrome 581, 665, 685, 3417
Black lung 579, 1288
Cancer caused by asbestos 3603
Cancer caused by carcinogenic impurities in food and color additives 690
End-stage renal 759, 778, 797
Hansen's 734
Plant 52
Rare, development of drugs for 674
Rental, chronic 607
Respiratory, caused by asbestos 3603
Systemic, disability awards 3417
Drug Price Competition and Patent Term Restoration Act 675
Drugs:
Abbreviated application procedures 675
Abuse 552
Adverse experiences, reporting requirements 673
Alien narcotics traffickers 1376
Animal 671, 680
Animal welfare 676, 681, 691
Driver qualification 1843
Fees for review of applications 683
Merchant Marine personnel, detection for 1617
Merchant marine personnel 1614
Over-the-counter 668
Patent term loss 686
Railroad personnel 1962
Rare diseases and conditions, development for 674
Review process 682, 1554
Schools and communities, drug-free 383, 399, 400
Sulfiting agents 692
Veterinary and human, exports for commercial marketing abroad 667
Dulles International Airport, Washington 1740

E

Earthquake hazards reduction program 2989

Sequence Number

Education:
Academic facilities....457
Accrediting agencies and associations....414
Administrative regulations, departmental....363
Adolescent parents....658
Adolescents, pregnant and nonpregnant....658
All Volunteer Force....3408
Assistance, institutional eligibility....441
Audit requirements for state and local governments....369
Bilingual....372, 374, 375, 376
Black college and universities....420
Business and international education program....450
Campus-based programs, 1988-89....435
Capacity-building for statistical activities....390
Carl D. Perkins Scholarship program....455
Christa McAuliffe Fellowship program....401
Claims collection....360
College facilities loan program....415
College housing....457
Computer learning, Secretary's discretionary program....393
Cooperative education program....419
Deposit of Federal funds in interest bearing accounts....3169
Desegregation of public....407
Drug-free schools....383
Educational opportunities centers program....423
Educational research and improvement fellows program....382
Emergency management....2981
Endowment challenge grant program....442
Family rights and Privacy Act....365
Federally-impacted areas....397, 398, 409
Fees for adversary adjudications....498
Follow Through program....396, 410
Foreign gifts, disclosure of....436
Foreign language program, undergraduate....448
Foreign languages (critical), Secretary's discretionary program....393
Foreign languages and studies fellowship program....428, 429
Foreign periodicals program....433
Foreign residence requirement....361
General administrative regulations....362
Grant program....1183
Grantee suspension and debarment....358
Guaranteed student loan/PLUS/supplemental loan/consolidation loan program....437
Guaranteed student loans....459, 3452
Handicapped...408, 463, 464, 465, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495
Head Start program....562, 564, 566, 567, 568, 569, 570, 574
Health Education Assistance Loan (HEAL) program....698
Health manpower assistance loans....714, 732
Hearings, due process regulations....499
Higher Education Act....401, 441
Indians...402, 403, 406, 485, 1166, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1193, 1203, 1228, 1229
Institutional aid....416
Intergovernmental review....496
International education program, business and....450
International research and studies program....449
International studies program, undergraduate....448
Jacob K. Javits fellows program....426
Language institutes, intensive summer....432
Language resources centers program....431
Law school clinical experience program....444
Leadership in administration program....394
Library career training program....385
Library research and demonstration program....392
Library resources program, college....384
Library resources program, research....386
Library technology and cooperation grants, college....387
Loan program demonstration project, income contingent....434
Mathematics, Secretary's discretionary program....393
Migrant programs....395
Minority science improvement program....443
National accrediting agencies and associations....414
National diffusion network program....389

Sequence Number

Education—Continued
National direct student loan program....453, 454
National resources centers....427
National Talented Teacher Fellowship program....456
Nondiscrimination....377, 3086, 3110, 3152, 3462
Nonimmigrant students....1379
Nurse anesthetists....709
Partnerships....379
Patricia Roberts Harris fellows program....447
Payment in lieu of taxes....398
Pell grant program....438, 458, 460, 461
Personnel, training program for special program staff and leadership....421
PLUS program....459
Postsecondary....418, 441
Refugee children....373
Regional educational laboratories program....381
Regulations, amendments....357
Rehabilitation services....481
Research....489
Research and development centers program....381
Research grant program....380
Schools and institutions....441
Science, Secretary's discretionary program....393
Secretary's discretionary program....391
Single audit for universities....3165
Student assistance, quality control/quality assurance systems....458
Student assistance, territorial....440
Student assistance general provisions....430, 451, 452, 458
Student community services, innovative projects....418
Student incentive grant program....439, 462
Student support services....425, 446
Surplus real property, disposal and utilization....359
Talent search program....422
Territorial teacher training assistance....388
Territories, treatment of....440
Upward bound program....424, 445
Veterans:
Benefits, nonduplication of....3477
Certifications of enrollment....3451
Deficiency course measurement....3455
Disenrollment....3412
Effective date of a refund....3475
Entitlement, computation....3404
Entitlement charges for overpayment....3426
Entitlement transfer to dependents....3427
Equal opportunity....3413
Foreign medical schools....3452
High school diplomas....3457
Job Training Act....3480
Loans in default....3478
New programs....3396
Nonpunitive grades....3428
Outreach program....417
Selected reserve....3395
Vocational rehabilitation program....3408, 3411
Vocational and home study schools, proprietary....3814
Vocational rehabilitation services program....478, 479, 480, 486
Women's equity....404
Elderly:
Air travelers....1590
Apprenticeship programs....2949
Equal employment opportunity....2953, 2963
Food distribution program....77
Housing....942, 971, 993
Mandatory meals program....993
Nondiscrimination....2685, 3147
Pet ownership in rental housing....897
Senior Companion Program....2686
Electric power plants:
Colorado River irrigation project....1198
Emergency reporting requirements....517
Hydroelectric uses on National Forest System lands....131
Resales and transmission service....3700

Sequence Number

Electric power plants—Continued
Statements and reports....3733
Emergencies, electric utility system....517
Emergency food assistance program, victims of disasters....79
Emergency health and medical occupations....2971
Emergency management assistance....3005
Emergency medical service:
Blood program, National....2970
Health and medical occupations....2971
Emergency shelter grant program....1011
Employee benefit plans:
Adequate consideration....1444
Airline deregulation....1418
Annual reporting of certain entities....1457
Benefit reductions....3311
Bond for FERS Thrift Savings Fund....1454, 1455
Bonding requirements exemption....1447, 1449
Civil sanctions....1453
Definition of plan assets....1452
Distress terminations of single-employer....3300
Employee contributions....1452
Employer liability for terminations....3309
Income tax reduction of accrued benefits....2227, 2228
Individual benefit reporting and recordkeeping....1450, 1451
Loans to participants....1443
Participant directed individual account plans....1442
Plan assets regulations....1456
Prohibited transaction exemption procedure....1448
Qualified domestic relations orders....1445
Reporting and recordkeeping requirements....3308
Single-employer plans....3301
State and local government agencies....1414
Top Hat plans....1446
Voluntary terminations....3310
Employment:
Age discrimination....2949, 2953, 2963
Alien agriculture workers....1403, 1425, 1433, 1434
Alien farmworkers....1439
Alien Labor Certification Appeals Board....1437
Alien physicians....1431
Aliens, nonimmigrant temporary employees....1380
Arts and humanities, workers employed under....1401
Child labor:
Hazardous occupations....1410, 1411, 1412
Minors between 14 and 16 years of age....1396
Minors 16 and 17 years of age....1410, 1411, 1412
Permissible industries and occupations....1396
Schooling, conditions that do not interfere....1396
Time periods and number of hours in a day and in a week....1396
Defense related, reporting procedures....319
Disabled veterans....1405
Disadvantaged workers....1002
Discrimination....2958
Employee selection procedures....2950, 2955
Equal opportunity....551, 1390, 2950, 2959
Handicapped....1400, 1602, 2954
Homeworkers in certain industries....1409
Immigration, unfair....1359
Job training....1426
Long-term unemployed individuals....1002
Public employment service....1427
Senior Community Service....1430
State employment services program....482
State and local government agencies....1414
Trade adjustment assistance for workers....1438, 1440
Training allowance....1440
Veterans....3401
Wage rates on Public and Indian housing project....1037
War hazards compensation, overseas locations....1402
Worker adjustment assistance....1424
Endangered and threatened wildlife:
Corps of Engineers counterpart regulations....336
Critical habitat....1080, 1088, 1089, 1091, 1093
Delist....1089
Endangered Species Act....1082

Sequence Number

Endangered and threatened wildlife—Continued
Grizzly bear....140
List, reclassify, or delist....1088, 1091, 1092, 1094
Marine Mammal Protection Act....1082
Permits for taking marine species....242
Raptor propagation and falconry regulations....1083
Southern Sea Otter experimental population....1090
Turtles in Gulf of Mexico and U.S. South....247
Water shortage....1311
Energy:
Abandonment policy....3701
Appliance efficiency standards....503
Assistance, low-income home....552
Commercial and Apartment Conservation Service....505
Compression allowances and protest procedures....3724
Conservation program, State....504
Efficiency test procedures:
Appliances - waiver....508
Water heaters....502
Electric Consumers Protection Act....3710
Electric power....3700, 3706, 3707
Electric rate schedules for public utilities....3721
Electric utility system emergencies....517
Federal buildings and facilities, energy costs....500
Hearings, rules of practice for trial-type:
Hydropower generation data....3723
Hydropower projects, fees for services....3703
Information labeling on appliances....3818
Inspector General Cooperation....536
Natural gas....3728, 3729
New buildings....501, 507
Oil pipeline fees....3709
PGA regulations....3708
Pipelines....3704, 3717, 3728, 3729
Protest procedures to recover fuel and power costs....3724
Public utilities, generic rate of return proceedings....3730
Research grants, award policies and procedures....511
Residential Conservation Service....505
Supplies, domestic....2966
Environmental impact statements....338, 349, 1876, 1972, 2899
Environmental protection:
Aquatic resources....340
Biotechnology research....53
Cement and concrete containing fly ash....1029
Coal unsuitability criteria....1333
Corps of Engineers....341
Deepwell injection of hazardous waste....2777
Domestic sewage study....2739
Double liner and leachate waste collection system....2837
Dredge and fill program by States....2769, 2940
Effect of VA action, policies and procedures....3483
Flood insurance program....174
Flood plain management....3121
Good laboratory practice standards....2696
Groundwater contamination....2803
Hazardous wastes management....2829
Highwall policy, mining....1283
Landfill surface closures....2825
Methylene chloride (dichloromethane)....2721
Microbial products of biotechnology....2716
Mineral mining in wilderness areas and the National Forest System....132
Motor carrier financial responsibility....1886
Natural resource damage assessment....1356, 1357
Nuclear facilities, decommissioning criteria....3917
Organisms and produced altered or produced through biotechnology....52
Radioactive waste, low-level....2771
Radon, effect of....3900
Radon standards for inactive uranium mill sites....3929
Re-refined waste lubricating oils and hydraulic fluids....2818
Revocation of suspension of permits....2947
Rubber asphalt guidelines....2847
Scrap tires....2847

Sequence Number

Environmental protection—Continued
Sewage sludge use and disposal....2749
Small quantity generator accumulation tanks....2828
Space programs....3121
Surface and underground mining activities....1285
Underground injection control on Indian Lands....2784
Underground injection of hazardous waste prohibition....2793
Waste pile closures....2825
Wetlands....1893, 2769, 2940
Wetlands management....3121
Equal access to justice:
Adversary adjudications, award of fees....498
Attorney fees....889, 1389, 3118
Board of Contract Appeals....3461
Health and Human Services, Department of....559
Model provisions for Maritime Commission....3766
Nuclear Regulatory Commission....3907
Equal employment opportunity:
Age discrimination....2949, 2953, 2963, 2979
Appeals....2962
Apprenticeship programs....2949
Attorney's fees, costs, and backpay....2958
Benefit plans....2952
Broadcast industry....3676
Complaint procedure....3285, 3286
Complaint processing....2951
Discrimination procedures....2948, 2960, 2961, 2964
Employee selection procedures....2950, 2955
Federal sector....2948, 2951, 2954, 2960, 2961, 2964
Handicapped....2954, 2956, 2979, 2980
Nondiscrimination....2956, 3029, 3030
Outer Continental Shelf....1243
Pension accruals and contributions....2957
Program guidelines....1390
Recordkeeping regulations....2950
Rules, prepublication clearance....2959
Transportation, Department of....1569
Transportation....1966
Exports:
Cotton....21, 22, 55
Credit guarantees....108
Dairy products....112
Drugs, veterinary and human for commercial marketing abroad....667
Fish and wildlife marking requirements....272
Natural gas, short-term....518
Petroleum products, refined....193
Rice....26
Short supply regulations....193
Soybean crops....45
Tobacco....24, 25, 48, 49
Eye care goods and services....3812

F

Farm, definition of family....65
Farm income support....22, 26, 29
Farm ownership and operating loans....59
Farmland, inventory of prime and unique....155
Farmland Protection Policy Act....156
Farmworkers, migrant and seasonal....1415
Federal Acquisition Regulations (FAR), see Government contracts or procurement and specific subject....3492
Federal Advisory Committee Management....3011, 3084
Federal employees:
Absence and leave....3199, 3230, 3259, 3260
Adult day health services....3450
Adverse actions....3204
Affirmative employment programs....3261
Allowances and differentials....3229
Career management program, Justice....1366
Claims for compensation....1413
Conduct and responsibilities....3174, 3202
Conflict of interest....3203, 3231, 3232
Discrimination procedures....2948, 2958, 2960, 2961, 2964
Employee benefit plans....2952

Sequence Number

Federal employees—Continued
Employment....3179
Employment overseas....3223
Employment practices....3178
Equal employment opportunity....2948, 2951, 2954, 2960, 2961, 2962, 2964
Executive and management development....3171, 3251
Financial disclosure requirements....3201
Freedom of Information Act....3176
Garnishment orders....3228
Government telephone systems use....3027
Grade and pay retention....3256
Group life insurance....3209, 3210, 3211, 3246, 3266, 3268
Health benefits....3209, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3246, 3247, 3248, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276
Investigations....3175
Life insurance....3267, 3269
Medical folders....3126
Merit System Protection Board....3090, 3091, 3094
Microfiche/microfilm of comprehensive payrolls....3124
Microfiche/microfilm of individual earnings and paycards....3124
Military service, deposits for....3244
Military service, injury compensation....3185
Military service, life insurance coverage....3210
Military service, restoration to duty....3185
Military service, retirement credit....3206
Parking....3057
Pay administration....3189, 3195, 3196, 3197, 3257, 3258
Pension accruals and contributions....2957
Performance, unacceptable....3226
Performance-based incentive system....3191, 3192
Personnel management....3221, 3252
Personnel records....3177, 3222
Personnel security....3173
Political activity....3200
Prevailing rate system....3193, 3227, 3253, 3254
Privacy Act....3090, 3177
Productivity gainsharing....3190
Programs for specific positions and examinations....3219
Promotion and internal placement....3224
Qualifications requirements, medical....3184
Recruitment/placement principles....3183
Reduction in force....3225
Retirement:
Annuity, statutory withholdings, order of precedence....3235
Annuity overpayments....3208
Claims for recovery of indebtedness....3265
Credit for service....3238, 3239, 3240
Disability regulations....3207
Exclusions....3209
Firefighters....3243
Health benefits coverage under FERS....3213
Health insurance, waiver of requirements....3270
Law enforcement officers....3243
Military service, deposits for....3244
New system, FERS....3245
Part-time employees....3236
Service credit....3263
Service credit deposits, order of precedence....3234
Sick leave, credit for unused....3264
Spouse Equity Act....3242
Survivor benefits....3237, 3241
Underdeductions of contributions....3205
Salary offset to recover overpayment....368
Security adjudication and procedures....3117
Senior Executive Service....3170, 3180, 3181, 3182, 3186, 3187, 3194, 3233, 3255
Special pay....734
Standards of conduct....532, 885, 1057, 3098, 3132, 3283, 3393
Suitability....3172
Suitability disqualification actions....3262
Suspension and removal....3117
Time-in-grade restrictions....3179
Training....3188, 3250

Sequence Number

Federal employees—Continued
Travel and transportation expenses....3198
Federal Information Processing Standards (FIPS)...201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 218, 219, 220, 221, 222, 223, 224, 225, 226, 229, 230, 3080
Federal Telecommunications Standards....3080
Federally-assisted programs:
Affirmative action....1569
Automatic data processing equipment and services....542
Aviation economics related....1599
Equal employment opportunity rules....2959
Fraud, waste, and abuse....459
Nondiscrimination:
Age....181, 378, 1025, 1060, 1360, 2685, 2943, 2979, 3142, 3147, 3913
Basis of race, color, or national origin...2682, 3030, 3085, 3143, 3149, 3150
Basis of sex...377, 2682, 3030, 3086, 3110, 3119, 3148, 3152, 3462, 3943
Handicapped...160, 540, 1018, 1023, 1061, 1358, 1485, 1570, 2683, 2690, 2956, 2979, 2980, 3029, 3092, 3097, 3137, 3145, 3151, 3279, 3282, 3319, 3353, 3436, 3437
Justice Assistance Act implementation....1392
Real estate related loans and appraisals....3858
Record retention....3369
Uniform administrative and enforcement procedures....1482
Veterans Administration....3407
Uniform requirement for assistance to State and local governments....1028
Fees:
Access authorization, Nuclear Regulatory Commission....3945
Adjudications, Nuclear Regulatory Commission....3907
Adversary adjudications....498
Airport leases on public land....1353
Archival records, reproduction of....3136
Attorney's, reparation proceedings, Maritime Commission....3771
Attorneys....1389
Availability of service records, INS....1387
Biological standards or biological preparations requests....663
Coast Guard services....1604
Commodities, inspection, grading, and classing of agricultural....3
Custom duties for processing persons, aircraft, vehicles, and merchandise....2116
Customs brokers annual fee....2116
Customs processing of formal entries of imported merchandise....2118
Disposal of Energy defense high-level wastes....515
Drug applications, new....683
Equal Access to Justice Act....3461
Farmers home loans....57
Federal employee information....3176
Federal policy....3156
Fish and wildlife licenses....1101
Foreign fishing poundage and permit fees....285
Foreign mission liability insurance....1549
Forest system lands, special use applications....123
Forest system lands....149
Grazing, Eastern and Southern Regions of the National Forest System....136
Harbor maintenance....2120
Health and Human Services, Department of....549
Health maintenance organizations applications....826
Hill-Burton direct and guaranteed loan modification requests....730
Hunting and fishing licenses....1099
Hydroelectric project applications....3714
Hydropower projects permits, licenses, and exemptions....3703
Immigration, collection and remittance....1375
Inspection fees for home mortgages....960
Inspection of grain and rice storage warehouses....39
Inspection of persons applying for admission into U.S....1374
International patent processing....304, 311
Interstate commerce licensing and related services....3837
Land registration....946
Marine fishery user fees....232
Maritime Commission recovery costs for services....3755
Nuclear power reactor licenses or applications....3954

Sequence Number

Fees—Continued
Oil pipeline....3709
Permits for deep seabed mining for commercial recovery operations....281
Pesticide premanufacture notice processing....2725
Pesticide registration processing....2708
Public housing administrative assistance....940, 998
Railroads, car-hire charges....3823
Rights-of-way....149
Schedule of charges....3249
Search end reproduction....157
Small business PASS system....3350
Social Security Administration....575
Trademark automated search system....306
Transportation, Department of:
Trucks, Rocky Mountain National Park....1118
Uniform schedule....3093, 3443
Waterborne commercial cargo....2120
Financial assistance:
Employment of expediters or administrative employees....184
Minority business enterprise....1580, 1587
Nonrelocation rule....182
Project modification....183
Financial Privacy Act....1393
Fire prevention:
Child-resistant disposable lighters....3592
Diapers, flammability hazards....3594
Flammable Fabrics Act rules and standards....3587
Nursing homes fire equipment....962
Vessels....1647
Fireworks regulations....2079
Fisheries:
Alaska groundfish....240, 256, 274, 276, 289
Alaska high seas salmon....240, 276
Alaska salmon....241, 258
American lobster....248, 255
Atlantic bluefish....239
Atlantic sea scallops....246, 295
Atlantic sharks....239
Bering Sea and Aleutian Islands groundfish....294
Bottomfish and seamount groundfish....292
Conservation and management statistics....235
Crabs, tanner and king....294
Drum, red....293
Fish processing and fish tender vessel operations....1609
Fraser River Convention Sockeye and Pink Salmon....1221
Groundfish, Bering Sea and Aleutian Islands....254, 294
Gulf of Mexico conservation zone....293
Halibut....294
Hawaiian Islands, Northwestern....292
Labeling frozen fish blocks and products....261
Management plans...245, 246, 248, 249, 250, 251, 253, 255, 257, 260, 292, 293, 294, 295
Management study....243
Marine fishery user fees....232
Marine mammals, incidental taking....1081
Mexico red snappers and groupers....288
Mexico spring lobster....244
Northeast multispecies....260
Ocean salmon....287
Pacific billfish....277
Puerto Rico finfish and shellfish....286
Red drum....250
Regional fishery management councils....236
Salmon, Washington, Oregon, and California....257
Scallops, Atlantic sea....246, 295
Spanish mackerel....253
Spiny lobster....245
Summer flounder....238
Swordfish....251
Tanner crab....249, 283
Uniform procedures for enforcement and civil proceedings....270
Virgin Islands finfish and shellfish....286
Washington, Oregon, and California groundfish....290

Sequence Number

Fisheries—Continued
Western Pacific Region ... 245, 292
Yellowfin tuna ... 275
Fishermen's Protective Act procedures ... 1547
Fishing:
Black sea bass fishing gear, Mid-Atlantic ... 248
Crawfishing ... 1136
Crayfish and conch ... 1133
Foreign, poundage and permit fees ... 259, 285
Foreign ... 237, 239
Foreign permit conditions and restrictions ... 284
Indian fishing ... 1221, 1222
License fees ... 1101
Lobsters ... 1155
Porpoise mortality, allowable incidental ... 233
Reporting requirements ... 241
Shrimp, trawling efficiency device ... 247
Sport fishing ... 1108, 1110, 1114, 1117, 1119, 1132, 1150, 1158
Tuna skipper standards ... 233
Flags ... 3096
Flood insurance ... 174, 882, 976, 2978, 2987, 2988, 2991, 2992, 2993, 2995, 2999
Flood plain management ... 880, 2988, 3004, 3121
Food:
Additives ... 690
Color additives ... 684
Disaster relief ... 3087
Distribution program ... 69, 77
Emergency assistance program ... 79
Farmland Protection Policy Act ... 156
Women, infants, and children (WIC), special supplemental ... 74, 75
Food stamp program:
Accountability, system for ... 76
Administration and management ... 72
Aid to families with dependent children ... 70
Appeal process ... 81
Disqualified stores, letters of credit ... 80
Eligibility factors ... 70
Employment and training requirements ... 87
Issuance loss liability ... 76
Management evaluation reviews ... 84
Policy consistency ... 868
Quality control system ... 73
Retail food stores, violations ... 80
Retailer/wholesaler provisions ... 82
Simplified application and standardized benefits ... 71
Thrifty food program ... 88
Waiver simplification ... 68
Wholesale food concerns, violations ... 80
Workfare administrative costs, reimbursement of ... 78
Foreign missions:
American vendors of goods and services ... 1549
Banking services, procedures for restricting ... 1551
Extraordinary protection ... 1553
States reimbursement for extraordinary protection ... 1553
Foreign officials, protection ... 1553
Foreign policy ... 1579
Foreign relations:
Agricultural commodities to assist needy persons ... 3088
Agricultural commodities for disaster relief ... 3087
Aircraft liability insurance ... 1549
American vendors of goods and services ... 1549
Automobile liability insurance ... 1549
Benchmark survey of foreign direct investment ... 164
Direct investments aboard ... 168
Direct investments abroad, annual survey ... 167
DOD foreign tax relief program ... 346
Exchange visitor program ... 361
Foreign currency dealers ... 2057
Gifts and decorations ... 534
International banking operations ... 3786, 3795
International child abduction ... 1550
International wills, registry of information about execution of ... 1546
Liability insurance surcharge or fees ... 1549
Navigation system, U.S. aid to ... 1655

Sequence Number

Foreign relations—Continued
Nonimmigrant students in educational institutions ... 1379, 1388
Nonimmigrant temporary employees ... 1380
Nonmilitary economic development training programs ... 3089
Rotorcraft certification requirements ... 1790
Securities in the care of eligible foreign custodian ... 3965
Seizure and forfeiture of vehicles, vessels, and aircraft ... 1373
Selected Services transactions with unaffiliated foreign persons ... 166
Trademark applications ... 302
U.S. trade in services with foreign persons ... 165
Vessel liability insurance ... 1549
Foreign trade:
Adjustment assistance for firms and industries ... 196
Antidumping duties ... 190, 194, 197, 198
Countervailing duties ... 190, 194, 197, 198
Foreign-made products, increase in ... 1438
Illegal interstate transportation of fish and wildlife ... 272
Maritime trade routes redesignation ... 2044
National security, effect on ... 192
Petroleum products, refined ... 193
Ports of entry, rules of procedure ... 191
Shipper's export declaration ... 169
Short supply regulations ... 193
Surveys of international trade in services ... 163
U.S.-Israel free trade agreement ... 3530
Unfair practices ... 197
Watch quota allocations ... 195
Zones ... 191
Forests:
Appeal of decisions of forest officers ... 115, 142
Bicycles ... 126
Fee policy for linear rights-of-way ... 149
Fish and wildlife conservation ... 113
Fossil collecting prohibition ... 141
Grazing fees ... 136
Grizzly bear-human conflict, prevention of ... 140
Hang gliders ... 126
Hydroelectric uses ... 131
Indian allotments for homesteading, agricultural, and grazing purposes ... 133
Insignia, official Forest Service ... 116
Land exchange ... 127
Mechanical transport definition ... 126
Mineral licenses, prospecting permits, and leases ... 130
Mineral materials disposal ... 128, 143
Minerals, locatable ... 132
Off-road vehicles use ... 125
Private lands within ... 119
Prohibitions on storage of food and refuse ... 140
Recreation residence authorizations ... 134
Research ... 147
Resource management plans ... 114
Scenic and historic trail symbols ... 135
Ski area development and operation permits ... 137
Special use applications ... 123
Special uses of National ... 145
Timber sales:
Contract form revision ... 129
Contractors, debarment and suspension ... 138
Control of skewed bidding ... 124
Export and purchase volumes ... 1332
Periodic payments ... 120
Small business set-aside program ... 139
Title records, National ... 118
Water supplies, protection of municipal ... 121
Wheeled carts ... 126
Franchise and business opportunities ... 3809
Fraud:
Science and engineering research ... 3153
VA benefits definition ... 3453
Fraud Civil Remedies Act, Program ... 546, 878, 1394, 1548, 3111, 3363, 3441, 3775

Sequence Number

Freedom of information:
Access fees schedule, publication of Nuclear Regulatory Commission....3945
Adjudications, procedures for resolving conflicts....3910
Archival records, restrictions on access....3128
Availability....411
Aviation material, confidential treatment....1981
Contractor-supplied information....3569
Costs for obtaining materials, NASA....3104
Credit union official records....3882
Delegation of authority for appeals....3732
Federal employees, availability of information....3176
Federal Reserve fee schedule....3792
Fee and fee waiver regulations, SBA....3362
Fee schedules of charges....549, 3249
Fees for reproduction of material....3136
Fees required by the National Defense Authorization Act....313
Fees of search and reproduction....1581
Inspection and copying of records, Veterans Administration....2684
Navy records available for public inspection....343
Policies for disclosure and procedures of obtaining access....3691
Procedures for NARA administrative records....3139
Procedures update....3711
Public access to VA records....3445
Public information, search and reproduction fees....157, 3278
Public requests for information, facilitate and simplify....2054
Records availability, Nuclear Regulatory Commission....3890
Records and testimony....1058
Release of adverse information to news media....413
Release of business confidential information....3745
Review to update procedures....877
Review to update regulations....3759
Schedule of fees....3380
Uniform schedule of fees....3093
Fruits and vegetables, importation of....51

G

Games of chance advertisements, food and gasoline retailers....3817
Government buildings and facilities:
Accessibility standards for handicapped....3437
Aircraft arresting systems....355
Army airfield certification and use....331
Banking offices on DOD installations....315
Credit unions on DOD installations....314
Energy performance standards for new....501, 507
Firearms and weapons regulations on military reservations....333
Fort Lewis Military Reservation, Washington....332
Management....3013
Methodology for life cycle energy costing....500
National Archives, public use....3125
Private commercial activities....354
Rental quarters, charges for....3157
Safety code compliance....1211
USAF installations....356
Government contracts:
Accounting and appropriation data....3531
Acquisition of automatic data processing equipment....3080
Acquisition forms....3059
Acquisition price adjustment clause....3058
Acquisition provisions and contract clauses....1030
Acquisition regulations....370, 520, 526, 1052, 1054, 1056, 1107, 3483
Acquisition of telecommunications equipment....3080
Ammunition purchases....3538
Annual reports....1545
Architect-Engineer contracts....3064
Audit procedures for commercial bills of lading....3039
Audit resolution and audit appeals....1484
Bankruptcy, insolvency or dissolution of a business....3036
Benefit pension plans, regulatory coverage....3548
Bid acceptance time....3068
Bid bonds on construction contracts....3555
Bidders lists on construction contracts....3540
Bidding documents, charges for....3060
Bids, report of identical....3078

Sequence Number

Government contracts—Continued
Board of Contract Appeals....3160, 3461
Break-out procedures....3365
Buy American Act, construction materials....3017
Buy American Act, human insulin exemption....3449
Buy American Act....3538
Caribbean Basin Economic Recovery Act....3521
Certificate of competency....3345
Claims settlement involving fraud....3573
Closeout procedures....3019
Commercial activities program, DoD procedures....318
Commercial organizations, costs allowable....3503
Competition in Contracting Act....529, 1031, 1056, 1483, 3055, 3463, 3486
Construction....3167
Construction and architect-engineer....3448
Consulting services....3466
Contract clauses and solicitation provisions....158, 162
Contract identification codes....3500
Contracting officer certification program....3467
Contracting officer responsibilities....3537
Contractor airlines....527
Contractor inspection requirements....3061
Contractor-supplied information....3569
Cost, increase minimum acquisition....3527
Cost Accounting Standards....3523
Cost analysis, should-cost rule....3572
Cost elements, summary in terms of major....3517
Cost withheld by contracting officer pending final cost settlement 3491
Cost-reimbursement-type....3039
Costs, burden of proof....3513
Costs for compensated personal absences....3499
Costs of stock....3515
Data and copyrights....3101
Data impacting contract price....3524
Debarment, suspension, and ineligibility....888
Debarment and suspension regulations....1050
Debarred and suspended contractors, exclusion from conducting business....3502
Debarred or suspended firms and individuals....3490
Debt Collection Act....3487
Direct sales by subcontractors....3494
Documentation under PL 85-804....3568
Editorial revision....3567
Equal opportunity preaward clearance....3545
Equipment ownership and operating cost schedules....3518
Exemptions to synopsizing contract awards....3535
Fast pay procedures....3544
Federal-aid procedures....1851
Financial assistance rules:
Cooperative agreements....519
Non-competitive award basis....525
Raise dollar threshold for recipient recordkeeping and accountability....524
Research....528
FOB origin, alleviate inequities in clause....3506
Foreign sales restrictions....3549
Government-furnished property, clarify contractor responsibility 3504
Indian Self-Determination Act....694
Industry size standards....3570
Insurance, revise cost principle....3559
Interest rate charged, revise language....3560
Interest rates, promote uniformity....3510
Labor standards involving construction....3495
Labor surplus area subcontracting reporting instructions....3556
Labor surplus areas....2965
Letter contracts....3064, 3565
Letter requests for sole source proposals....3536
Lobbying costs, legislative....3522
Matrices, undated....3566
Minority Business Enterprise....1584
Multiple award schedule program....3035

Sequence Number

Government contracts—Continued
Multiyear and options....3020
Nondiscrimination and affirmative action obligations....1397
Nondiscrimination on basis of handicapped....1367
Nonprocurement suspension and debarment....188
Oral solicitations under small purchase procedures....3542
Overseas solicitations....3533
Patent waiver regulation....533
Payment of costs of preparing bid and....3493
Payment of substitute documents....3051
Penalties for submission of defective cost of pricing data....3534
Performance of commercial activities....3162, 3163
Personal services, revise cost principle....3558
Preference to Indian organizations....1047
Prices, certification....3505
Printed and related supplies....3552
Prison Industries' priority status....3516
Procurement Management Information System (PMIS) handbook 3034
Procurement regulations....3220
Prompt Payment Act....3167, 3511, 3557
Prompt payment discounts....3066
Protest requirements, service of....3539
Protests to General Accounting Office....3060
Public comment....3498
Publicizing proposed regulations....3016
Qualification requirement clarification....3547
Qualification requirements for sources and products....3494
Ratification of unauthorized commitments....3512
Receipt of invoice definition....3167
Receipt of proposals and quotations....3015
Records retainment for procurements of $25,000 or less....3541
Regulatory revisions....3551
Reimbursement for services or resources of other Federal agencies....2986
Relocation costs, revise cost principle....3509
Reporting and announcement of contract awards....3550
Research and development, Federal-funded centers....3489
Review of acquisition history for supplies or services....3492
Right of first refusal of employment....3543
Rights in data and copyrights....3496
Sealed bidding guidance, date of mailing....3501
Self-insured losses....3526
Small business....3033
Small business eligibility....1052, 3497
Small business purchase set-asides....3574
Small business set-aside notice....3520
Small business technical advisers....3032
Small disadvantaged business concerns....3033
Small purchase limitations....3562
Small purchase procedures for set-aside contracts....3519
Small purchases, clause on taxes....3488
Solicitation documents....3514
Source Evaluation Board Manual....3100
Source evaluation procedures, Commerce....159
Stay and damages provisions....3493
Subcontract competition....3553
Subcontract dollar threshold....3571
Subcontracting plan reporting requirements....3033
Subcontracting practices....521
Supplies, advantageous quantities....3494
Supply schedules....3528
Synopsis publishing timeframe....3564
System acquisitions, major....3099
Technical data, restrictive markings....3507
Telegraphic proposals....3532
Test equipment statement clarification....3546
Timber sales contractors, debarment and suspension....69, 138
Tooling and special test equipment....3529
Training, contracting officer warrant program....3065
Training and education, revise cost principle....3508
Transportation, Department of....1576
Transportation guidance....3563
Travel expense....531
Uniform administrative requirements....1206

Sequence Number

Government contracts—Continued
Uniform policies and procedures....347
Value engineering coverage....3525
Warranties, policies and procedures....3014
Warranty regulations, Coast Guard....1577
Written justifications and approvals....3575
Government procurement:
Acquisition of automatic data processing equipment....3080
Acquisition forms....3059
Acquisition price adjustment clause....3058
Acquisition regulations...1053, 1552, 3018, 3019, 3020, 3021, 3032, 3034, 3035, 3036, 3061, 3062, 3063, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3277, 3554
Acquisition of telecommunications equipment....3080
Administrative revisions....3446, 3486
Agency announcements....3109
Automatic data processing employees....3082
Automatic data processing equipment....558, 3081
Career management program, Justice....1366
Cement and concrete containing fly ash....1029
Common use items....2967
Competition, justification for other than full and open....3072
Contract modifications....3465
Cost comparisons....3447
Debarment, suspension, and ineligibility....888
Dollar threshold, Trade Agreement Act....3071
Financial ability of prospective contractors....3074
Imprest fund, increase threshold....3062
Insurance requirements....3063
Internal and interagency guidelines....3781
Labor surplus areas preference....1436
Leasehold interests....3060
Major system acquisition....3158
Minority Business Enterprise....1584
Orders and shipment status report....3067
Paper and paper products....2819
Paper and paper products containing recovered materials....2838
Payment of costs of preparing bid and proposal....3493
Personal property, cost effectiveness....3048
Personal property, supply sources....3031
Planning....3447
Prompt payment discounts....3066
Quality assurance....3485
Re-refined waste lubricating oils and hydraulic fluids....2818
Reporting requirements....3034
Review of acquisition history for supplies or services....3492
Small business concerns....3446
Small business subcontracting plans....3021
Small business technical advisers....3032
Small purchases....3075
Source inspection and destination....3076
Specifications....3464
Stay and damages provisions....3493
Supplies and services order form....3069
Tools, hand and measuring....3070
U.S.-Israel free trade agreement....3530
Unallowable cost for reimbursement....530
Uniform procurement instrument identification system....3065
Utility services....3561
Wage rates, subscription publication....3073
Government property:
Contractor acquisition standards....523
Energy management regulation....522
Foreign gifts and decorations....534, 3010
Hydropower generation data, billing procedures....3723
Industrial plant equipment....2969
Personal:
Acquisition and use of excess....3046
Cost effective procurement....3048
Donation of abandoned and forfeited....3045
Donation program, policies and procedures....3044
Exchange/sale of automatic data processing equipment....3056
Procurement, policies and procedures....3031
Report of excess....3056

Sequence Number

Government property—Continued
Personal—Continued
Utilization and disposal....3024
Real:
Annual inventories....3012
Corps of Engineers management....335
Correctional facilities....3043
Disposals to public agencies....3042
Leasehold interests....3018
Space reduction initiatives....3012, 3023
World-wide real property inventory system....3023
Soil surveys....153
Telephone systems use by employees....3027
Government publications:
Department of Defense....324
Equal employment opportunity rules....2959
OMB directives system to executive departments and agencies 3168
Regulations on enforcement of nondiscrimination on basis of handicapped....3137
Government securities:
Brokers-dealers, reporting and audit of....2056
Customer securities and balances, protection of....2056
Financial responsibility regulations....2056
Recordkeeping regulations....2056
Grain:
Common program provisions....7, 31
Inspection fees for storage warehouses....39
Price support program....20
Supply for domestic and foreign utilization....10, 20
Grants:
Administrative manuals....555
Adolescent pregnancy and family life projects....658
Audit resolution and audit appeals....1484
College and university recipients, governmentwide standards for audits....553
Community development block grant program....1006
Community development block grants....881, 883, 1005, 1010
Community development block grants for Indian Tribes and Alaskan Native villages....1014
Community health centers....712
Community Housing Resource Board regulations....1022
Construction grants regulations, simplification....2755
Cost principles for nonprofit organizations....1032
Debarment, suspension, and ineligibility....888
Discretionary grant and cooperative agreement policies....1033
Economic enterprises, Indian....1208
Education, preschool for handicapped children....464
Education grantee suspension and debarment....358
Education for handicapped, infants and families....465
Education of the handicapped, training personnel....471
Educational, Indian....1183, 1184, 1204, 1228, 1229
Emergency shelter program....1011
Energy award policies and procedures....511
Fish and wildlife restoration....1099
Flood insurance requirements for mortgage insurance....976
Health research....737
Housing development program....967
Management and operation of public transportation services....1974
Migrant health services....707
National Library of Medicine....738
Natural resources....1348
New technology for public transportation....1976
Nurse anesthetists traineeships....709
Nurse practitioner and nurse midwife training program....716
Nursing special projects....697
Pell education....460, 461
Public assistance programs....561
Public Health Service research....735
Refugee health programs....662
Residential rental rehabilitation program....1008
Schools of public health....733
Science and engineering research....3153
Single Audit Act implementation....554
State Veterans Homes....3387, 3469

Sequence Number

Grants—Continued
Student education incentive program....462
Uniform administrative requirements...364, 541, 1051, 1206, 2985, 3130, 3165, 3169
Uniform close out procedures....1486
Uniform requirement for assistance to State and local governments....1028
Uniform requirements for States and local governments....150
Urban development action grant program....1006
VA home loan credit standards....3433
Young Adult Conservation Corps....146
Youth Conservation Corps....148
Grape-growing regions....2068
Grazing:
Eastern and Southern Regions of the National Forest System....136
Fees....136
Indian land....1196
National forests....122, 133
Policy changes....1338
Grizzly bear....140
Guam....1601
Gulf of Mexico fishery conservation zone....293
Gun Control Act Amendments....2093

H

Halibut....294
Handicapped:
Accessible design, guidelines and requirements....2689
Air travelers....1564
Architectural barriers, removal of....466
Children....464, 465, 467, 468, 469
Clearinghouses for the handicapped program....472
Construction of buildings to accommodate....170, 3437
Deafness, telecaption TV decoders for veterans....3384
Developmental disabilities program....571
Education...408, 463, 470, 471, 472, 473, 474, 475, 476, 487, 490, 491, 492, 493, 494
Equal employment opportunity....2954
Equipment, nondiscrimination by air carriers....1602
Housing....942, 971
Independent living rehabilitation....483, 484
Nondiscrimination...540, 1018, 1023, 1061, 1367, 1405, 1570, 1582, 2683, 2690, 2944, 2979, 2980, 3029, 3092, 3097, 3137, 3145, 3151, 3279, 3282, 3319, 3353, 3436, 3437, 3619
Pet ownership in rental housing....897
Regional resource and Federal centers program....488
Rehabilitation services....481
Research fellowship and training program....477
Standards for access to and use of buildings....2691
Training personnel for education of....470, 473
Youths, transitional rehabilitation services....495
Hawaii, Honolulu....1601
Hawaiian Exclusive Zone....278
Hawaiian homelands....983
Hawaiian Islands, Northwestern....292
Hawaiian Natives program, drug-free schools and communities....399
Hazardous materials:
Disposition....3047
Flammable and compressed gases....1497
Industrial gauges....3950
Lead solders, flux and pipes used for public water systems....2786
Lead-based paint hazard....896
Lead-based paint hazard detection and elimination....895
Motor carrier inspection and communication....1841
Packaging standards for transport....1999
Transportation safety...1980, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2023, 2024, 2025, 2028
Transportation statutory citations....1651
Transportation training guidelines....1985
Uranium hexafluoride....2016
Hazardous substances:
Actinolite....1495

Sequence Number

Hazardous substances—Continued
- Air oxidation process ... 2893
- Air pollution ... 2885, 2910
- Air toxicants, waste ... 2922
- Aluminum ... 2916
- Anthophyllite ... 1495
- Asbestos ... 1495, 2722, 2733, 2737, 3603
- Asbestos emissions standards ... 2868
- Benzene emissions ... 2905
- Carcinogens, potential carcinogens ... 2925
- Carcinogens ... 2923
- Chemical emissions, synthetic organic ... 2863
- Child-resistant packaging ... 3598
- Chromium or hexavalent chromium ... 2869, 2870, 2871, 2872
- Coke oven emissions ... 2867
- Consolidated permits, minor modification ... 2846
- Dredge and fill program by States ... 2769, 2940
- Emergency and hazardous chemical inventory forms ... 2938
- Emissions trading policy ... 2946
- Estrogens, conjugated ... 3596
- Extremely hazardous, threshold planning quantities ... 2937
- Federally permitted releases ... 2932
- First aid products:
  - Benzene ... 3599
  - Petroleum distillates ... 3599
  - Toluene ... 3599
- Flammable Fabrics Act rules and standards ... 3587
- Formaldehyde, wood products made with ... 3602
- Glycol ethers ... 1488
- Good laboratory practice standards ... 2714
- Grain fumigants ... 2709
- Groundwater contaminating pesticides ... 2697
- Hazard ranking system ... 2920
- Hydrocarbon emissions ... 2875
- Industrial gauges ... 3950
- Iron dextran removal from list as hazard to environment ... 2840
- Lead health and welfare reassessment ... 2857
- Metalworking fluids with nitrite ... 2718
- Methylene chloride:
  - Ban on household products ... 3600
  - Ban on household substances ... 3601
- Methylene chloride ... 688, 1524
- Microbial products of biotechnology ... 2716
- National priorities list ... 2920, 2936
- Natural resources damage assessments ... 1055
- Navigable waters, pollution prevention ... 2765
- New source review of chemicals manufactured ... 2888
- Notification of continuous release ... 2924
- Nuclear material, strategic special ... 3932
- Nuclear spent fuel and high-level radioactive waste ... 3909
- Ocean dumping ... 2751
- Oil pollution prevention ... 1357, 1652
- Organic polymers and resins ... 2862
- Organic solvent cleaners ... 2861
- Paint strippers containing methylene chloride ... 3601
- Particulate matter ... 2887
- Particulate matter and nitrogen oxide emissions ... 2915
- Perchlorethylene dry cleaning ... 2860
- Pesticide registration and classification procedures ... 2704
- Pollution contingency plan ... 2929
- Radiation exposure limits ... 2776
- Radioactive materials ... 3918
- Radioactive waste, definition of high-level ... 3930
- Radiofrequency radiation guidance ... 2775
- Radionuclides ... 2926
- Radionuclides in drinking water, Contaminant level of ... 2779
- Registration of pesticide producing establishments ... 2700
- Residual radioactivity ... 2772
- Rubber products ... 2892
- Rules and regulations review ... 3589
- Safety ... 2885
- Sewage treatment plants ... 2896
- Solvent degreasing ... 2890
- Spray paints containing methylene chloride ... 3601
- Sulfur dioxide ... 2895

Sequence Number

Hazardous substances—Continued
- Sulfur dioxide emissions ... 2898, 2899
- Sulfur oxides ... 2856
- Toxic substances, chronically ... 2925
- Toxicants, chronic ... 2923
- Transuranium elements dose rate limits ... 2774
- Tremolite ... 1495
- Tremolite in household products ... 3595
- Underground storage tanks ... 2797, 2848
- Vinyl chloride ... 2918
- Volatile compounds emissions ... 2865
- Volatile organic compound emissions ... 2891, 2892, 2893, 2894
- Volatile organic liquids storage ... 2891
- 1,3-Butadiene ... 1521

Hazardous waste:
- Accidental release information ... 2928
- Acute mixture rule and deminimus concentration limits ... 2839
- Aqueous hazardous waste discharged to sewers ... 2739
- Burning standards for waste fuels ... 2805
- California list ... 2835
- Class permits for facilities storing waste in containers ... 2830
- Containerized liquids in landfills ... 2823
- Cooper forming wastewater dischargers ... 2744
- Corrective action at Federal facilities ... 2801
- Deepwell injection ... 2777
- Domestic sewage study ... 2739
- Emergency access to low-level disposal sites ... 3905
- Emergency response ... 1528
- Emergency response to hazardous ... 2939
- Emergency response worker protection standards ... 2935
- Experimental facilities conducting research and development, permits ... 2813
- Facilities, liability requirements ... 2814
- Flood plain and seismic restrictions for treatment, storage, and disposal facilities ... 2808
- General performance requirements:
  - Deep mines ... 2829
  - Facilities engaging in research activities ... 2829
  - Open detonation units ... 2829
  - Salt mines ... 2829
  - Silos ... 2829
  - Thermal treatment units ... 2829
- Groundwater constituents for monitoring ... 2815
- Groundwater contaminating pesticides ... 2697
- Groundwater monitoring codified guidance of hazardous constituents ... 2832
- Groundwater monitoring data ... 2812
- Identification and listing ... 2824, 2826, 2827, 2839, 2840
- Incineration-at-sea of liquid wastes at-sea ... 2752
- Incineration-at-sea site designations (North Atlantic and Pacific) ... 2752
- Incinerators, emission controls ... 2811
- Industrial wastewater dischargers standards initiatives ... 2748
- Iron dextran removal from list as hazard to environment ... 2840
- Land disposal:
  - Facilities technology requirements ... 2834
  - Liner and leak detection regulation ... 2806
  - Restrictions for solvents and dioxin ... 2844
- Leather tanning wastewater dischargers ... 2762
- Location standards for treatment, storage and disposal facilities ... 2808
- Methyl isocyanate and lead ... 2927
- Mining waste exclusion (smelting/refining) ... 2841
- Ocean dumping ... 2770
- Ocean incineration ... 2770
- Oils, management of waste ... 2795
- Owners/operators of treatment and disposal facilities ... 2833
- Owners/operators of waste facilities financial responsibility ... 2831, 2845
- Permit modification ... 2800, 2846
- Permit program ... 2753
- Pesticide listing ... 2703
- Pesticides, disposal and storage of pesticides ... 2701
- Petroleum products in underground storage tanks ... 2820

Sequence Number

Hazardous waste—Continued
Post consumer recovered material....2838
Pretreatment regulations....2746
Publicly, owned treatment works, corrective action....2753
Radioactive, definition of high-level....3930
Radioactive waste, low-level....2771
Radioactive waste management....515
Radioactive waste substances....535
Re-refined waste lubricating oils and hydraulic fluids....2818
Recycled used oil standards....2843
Response claims procedures for National contingency plan....2931
Restriction of land disposal of halogenated organics....2835
Rubber asphalt guidelines....2847
Scrap tires....2847
Sites, uncontrolled....2930
Small quantity generator accumulation....2828
Soil and debris, treatment and disposal....2796
Solid waste disposal facilities classification....2803
State authorization codification rule....2842
State program capability requirements....2817
Statistics for detecting groundwater contamination, monitoring, and standards issues....2807
Technical standards for corrective action....2810
Test methods....2827
Toxicity characteristic modification....2826
Treatment, storage, and disposal facility area source air emissions....2886
Treatment units, mobile....2816
Underground injection control on Indian lands....2784
Underground injection of waste prohibition....2793
Underground storage tanks leakage regulations....2820
Underground storage tanks program for States....2821
Vessel reception facilities....1712
Head Start program....548, 562, 564, 566, 567, 568, 569, 570, 574
Health:
AIDS....665, 685, 3417
Alcohol abuse....552
Asbestos in selected consumer products....3603
Assistance to persons unable to pay....710, 727
Blindness, determining disability....593
Block grants....557, 572
Blood and blood products....670
Clinical laboratories....755
Coal miners....664
Community health centers....704, 712
Community services....703
Competitive medical plans....747, 749
Drug abuse....552
Emergency and medical occupations....2971
Formula grants....572
Fraud and abuse....544
Group health plans, continuation coverage....2195, 2395
Head Start program....566, 567, 568, 569, 574
Home health agencies....806, 816
Hospital research and development....539
Human research subjects, protection of....678
Indians....708
Information collection requirements....753
Inpatient care....748
Insurance....3325
Irradiation of pork for trichina control....107
Laboratory practices, good....679
Maintenance organizations....747, 749
Mandatory meals program for the elderly in HUD-assisted projects....993
Medical equipment....844
Medical insurance, supplementary....814
Medical supplies, human insulin....3449
Medical ultrasonic equipment....3657
Medical use of radioactive by-product material....3951
Medicare....3271
Mental....552
Mentally retarded....819
Methylene chloride....688
Migrant service grants....707

Sequence Number

Health—Continued
Organ procurement, certification of....805
Pain, evaluation of....593
Patient records, confidentiality of....659
Pharmaceuticals, good manufacturing practice....669
Populations, unserved....704
Radiation:
Accidental exposure....3918
Protection standards....3915
Refugees....662
Research....736
Research grants....737
Health care:
Adult day services....3450
Alternate sanctions for ESRD facilities....775
Assistance to persons unable to pay....727
CHAMPUS....771
Confidentiality of information....706
Disclosure and correction of information....706
End-stage renal disease program, Network area designations....779
End-stage renal disease program, Network Organizations....778
Fire safety standards:
Ambulatory surgical centers....848
Intermediate care facilities....848
Skilled nursing facilities....761
Home and community-based services....769
Home health agencies and hospices....758
Hospice case management....768
Hospices payment under medicare....857
Hospices wage index....767
Hospital-based laboratories....781
Mentally retarded....827
Quality control peer review organizations responsibilities....833
Veterans:
Community nursing home care....3382
Community residential care....3383
Vietnam era....3468
Health hazards:
Actinolite....1495
Air pollutants regulations....2853
Anthophyllite....1495
Asbestos....1495, 2733, 2737
CAG carcinogens....2826
Carbon monoxide....2850
Carcinogen policy....1492
Carcinogenic, mutagenic, and teratogenic effects....2855
Carcinogenic impurities in food and color additives....690
Chromium compounds....2870, 2871, 2872
Chromium or hexavalent chromium compounds emissions....2869
Color additive yellow no. 6....2077
Deepwell injection of hazardous waste....2777
Domestic sewage study....2739
Double liner and leachate waste collection system....2837
Ethylene dibromide....1529
Ethylene oxide....1493
Formaldehyde....2719
Fruit or vegetable diluted juice beverages, labeling for percent of juice....689
Fuel and fuel additives....2855
Giardia in surface drinking water....2781
Glycol ethers....1488
Groundwater contamination....2803
Hansen's disease duty by Federal employees....734
Infant formula recalls....677
Inorganic and organic compounds....2790
Landfill surface closures....2825
Lead contamination sources used for public water systems....2788
Lead health and welfare reassessment....2857
Methylene chloride....1524
Methylene chloride (dichloromethane)....2721
Nitrogen dioxide....2849
Ozone health and welfare information reassessment....2858
Particular matter....2887
Pathogens in surface drinking water....2781

Sequence Number

Health hazards—Continued
Pesticides....2826
Radiation exposure....2804
Radiofrequency radiation exposure limits....2775
Residential wood combustion....2902
Residual radioactivity....2772
Small quantity generator accumulation tanks....2828
Sulfur oxides....2856
Trap-oxidizers for particulate control....2881
Tremolite....1495
Underground injection control program....2785
Underground injection of hazardous waste prohibition....2793
Viruses in surface drinking water....2781
Waste pile closures....2825
1,3-Butadiene....1521
Health Maintenance Organizations (HMOs)....730, 766, 800, 825, 826, 833
Health manpower:
Area health education centers....723
Dentistry, training in general practice....722
Disadvantaged health professions students, stipends for....721
General internal medicine and pediatrics....695
Geriatric education program....702
HEAL program....698, 714, 726, 732
Mental health traineeships....660
Nurse anesthetists....709
Nurse education program....720
Nurse midwifery training program....699
Nurse practitioner and nurse midwife training program....716
Nursing practitioner training program....699
Nursing special project grants....697
Nursing student loan program....700, 715, 724, 729
Physician assistants training program....719
Physicians, employment of alien....1431
Private practice option, loans to individuals....725
Professional Standards Review Organizations....860
School of public health....733
Shortage area designation criteria....705
Student loan programs....701, 713, 728
Training assistance....731
VA scholarship program....3389
Hearings and appeals:
Acquisition of fractional interests in land....1194
Adjudicatory licensing, nuclear power plants....3940
Administrative appeal right for States unemployment compensation....1432
Atomic Safety and Licensing Appeals Board....3912
Attorneys and representatives....1363
Audit of federally funded grants, contracts and agreements....1484
Dates for reschedule....3435
Due process regulations....499
Electric utilities....3725
Equal employment opportunity....2962
Federal employees....3262
Food stamp programs....81
Groundwater protection standards....2773
Immigration judge proceedings....1370
Immigration procedures....1369
Indian affairs....1054, 1063, 1075
Indian enrollment appeals....1186
Indian heirs....1073
Indian lands....1065
Indian probate....1071, 1074
Indian Self-Determination Act declination appeals procedures, review....696
Indian wills....1072
Information submitted in administrative proceedings....1062
Licensing requirements for small hydroelectric power projects....3706
Maritime practice and procedure....3777
Medicare appeals rights, revisions to....739
National Forest System management decisions....115, 142
Nuclear Regulatory Commission....3908
Nuclear Regulatory Commission materials licenses proceedings....3896

Sequence Number

Hearings and appeals—Continued
Patents....309
Practice and procedure for administrative....2098
Public housing grievance hearings....1045
Public lands....1066, 1067, 1068, 1076
Public notification, public water supply supervision program....2783, 2791
Railroad unemployment insurance determinations....3314
Surface coal mining....1064, 1069, 1070
Uniform rules of discovery....3719
Uniform rules of practice....3720
Veterans Administration....3434, 3481
Wastewater pretreatment regulations....2764
Work incentive programs....1441
Heliports, noise compatibility planning....1789
Highways:
Acceleration of projects....1879
Accident reporting....1892
Accounting....1894
Administration of negotiated contracts....1860
Air quality procedures....1970
Approval and project authorization....1858
Beautification....1833
Bridge inspection standards....1864
Bridges....1880
Cargo preference requirements....1885
Certification of speed limit enforcement....1568
Construction overruns in contract time....1883
Emergency repair or reconstruction relief....1877
Environmental impacts, procedures for considering....1928
Equal employment opportunity....1857
Equal opportunity compliance review program....1856
Erosion and sediment control on project....1855
Federal-aid contract procedures....1851
General materials requirements for federal-aid construction work....1850
Information signs, standards for....1895
Interim Guide for design of pavement structures....1854
Labor and employment....1882
Motor carrier safety:
Daytime running lights....1920
Disqualification of drivers....1836
Drivers written examination....1889
Employee safety and health standards....1840
Federal regulations....1838
Fitness of owners and operators....1872
General....1835
Hazardous materials communication....1841
Hours of service....1869
Inspection, repair, and maintenance....1837
Noise emission standards....1852
Occupant crash protection....1899
Parts and accessories....1839
Railroad grade crossings....1853
Traffic control devices....1865
Truck rear underride protection....1912
Truck size and weight, special permits....1846
Truck size and weight; automobile transporters....1870
Truck size and weight; interpretation and policy statement....1868
Truck size and weight; lane widths....1871
Truck size and weight; reasonable access....1831
Truck size and weight; trailer lengths....1867
Truck splash and spray suppression devices....1866
Outdoor advertising....1833
Property management and disposal....1863
Railroad work reimbursement....1884
Railroad-highway projects....1859
Rate guidelines for non-coal commodities....3830
Required contract provisions....1881
Right-of-way regulations....1862
Safety, rail-highway grade crossings....1961
Safety standards, commercial vehicle conspicuity....1911
Samples and testing of materials and construction....1890

Sequence Number

Highways—Continued
Signs, luminaries and traffic signals....1861
Traffic control devices....1834
Transfer of Interstate construction funds....1878
Utility use of freeway right-of-ways, longitudinal....1874
Historic preservation:
Alaska Native cemetery sites....1128
Archeological collection, curation of federally-owned....1127
Archeological Resources Protection Act....1145
Corps of Engineers....339
Designating areas unsuitable for surface and mining operations....1295
Improve efficiency of review....2688
Indian heritage preservation....1202
Mining regulations....1297
National register of historic places....1143, 1144
Properties, protection of historic and cultural....2688
Reporting and recordkeeping requirements....1126
Soil conservation program....152
Historical Records Advisory Boards, State....3127
Homeless Housing Act....1011
Homeworkers, industrial:
Buttons and buckles....1409
Gloves and mittens....1409
Handkerchiefs....1409
Jewelry....1409
Knitted outerwear....1409
Women's apparel....1409
Honey:
Loans....6
Price support program....6, 15, 41
Hospitals:
Alcohol/Drug, exclusion from prospective payment system....718
Ambulatory surgical services, payments for....792
Anesthesia services, charge limitations....854
Assistance to persons unable to pay....727
Cataract procedure, charge limitations....853
Clinical diagnostic laboratory services....746
Clinical laboratories....755
Cost Regulations....855
Diagnostic-related group classification system....717
DRG classification system....791
Fire safety standards....761
Hill-Burton direct and guaranteed loan modification requests....730
Hospices wage index....767
Inpatient hospital prospective payment system....793
Insurance....964
Low-income patients, payments for....837
Malpractice insurance....785, 842
Nursing facilities, payment system for low-skilled....790
Outpatient ambulatory surgical rates....788
Outpatient services, equity capital provisions....786
Payment rate....764
Payment system....763
Periodic interim payments....836
Surgical procedures for ambulatory surgical centers....765
Household appliances:
Central air conditioners....503, 506
Clothes dryers....503
Clothes washers....503
Dishwashers....503
Energy efficiency standards....503
Energy efficiency test procedures....502, 506, 508
Freezers....503
Furnaces....503
Home heating equipment....503
Humidifiers and dehumidifiers....503
Kitchen ranges and ovens....503
Refrigerators and refrigerator-freezers....503
Room air conditioners....503
Television sets....503
Waiver of energy efficiency test procedures....508
Water heaters....502, 503
Housing:
Aliens, restrictions on assistance to ineligible....891

Sequence Number

Housing—Continued
Application processing procedures....1039
Assistance....1020
Audit requirements....1019
Block grant activities and projects....890
Book-entry securities of GNMA....1015
Building product standards....911
Claims....923
Coinsurance, single family....989
College....457
Commitment, master conditional....907
Community development....883, 1005, 1006
Community Resource Board....1022
Condominium ownership....963
Construction of family housing....3155
Construction and safety....955
Construction standards....61
Conveyance of properties occupied by tenants or former mortgagors....956
Cooperative homeownership....990
Cost containment procedures....1041, 1043
Credit union loans and appraisals....3858
Criminal and civil penalties, real estate settlement kickbacks....953
Debt collection, interest provisions....893
Development grant program....967
Disaster assistance....3008
Discretionary grant and cooperative agreement policies....1033
Discriminatory practices....1024, 1026
Elderly....942, 971, 993
Eligibility requirements....987
Employees, maintenance and technical....884
Environmental review procedures....883, 890
Fair....1017, 1024
Fair housing laws, recognition of jurisdiction....1021
Financial disclosure to mortgage purchasers....975
Flexible subsidy program....901
Flood disaster protection....882, 976
Flood plain management....880
FNMA security, definition....875
Grievance hearings....1045
Guaranteed obligations....1013
Handicapped....942, 971
Homeless Housing Act....1011
Indian....884, 892, 1036, 1037, 1039, 1041, 1043, 1044, 1048
Information, disclosure by employees....886
Inspection fees for mortgages....960
Inspections....972
Insulation labeling and advertising....3819
Insurance....909, 965
Lead-based paint hazard detection and elimination....895
Lead-based paint hazard elimination....896
Lease terms, prohibited....934
Litigation expenses....1042
Loans....54, 58, 929, 930, 986, 988, 994
Low-income, very....64
Management, tenant participation....1048
Manufactured:
Construction and safety....902, 903, 948, 949, 950, 951, 974
Design inspection system....952
Procedural and enforcement system....904
Property standards....977
VA loans....3432
VA regulations....3431
Manufactured property improvement loans....914
Mobile homes....3820
Mobile/manufactured home financing....66
Mobile/manufactured homes and sites....61
Mobile/manufactured projects for rental purposes....67
Mobility of certificate holders....969
Mortgage insurance....898, 916, 917, 918, 932, 957, 959, 963, 976, 983, 984, 989, 991
Mortgages, eligibility....981
Mortgages, refinancing....922

Sequence Number

Housing—Continued
Multifamily:
Insurance....927, 965
Management and disposition....966
Mortgage insurance....931
Rental projects, management and disposition....995
Rural housing loans....58
Negligent HUD inspection of FHA-insured properties....919
Obsolete regulations....876
Parks/communities for rental purposes....67
Performance funding system....1049
Pet ownership by elderly and handicapped....897
Property insurance....1026
Property standards....908
Protection plans....925
Public....884, 892, 1037, 1041, 1044
Real estate settlement services....953
Rent supplement program....933
Rental rehabilitation....881, 890, 997
Review of applications for assistance....938
Rural....54, 58, 61
Rural rental loan policies....66
Shared housing arrangements....968, 970, 1044
Single person occupancy limits....1038
Single-family....898, 907, 923, 928, 929, 930, 988, 992
Single-family foreclosures-deficiency judgements....920
State agency amendments....934
Subsidies....54
Subsidy loan program....900
Tenant allowance for utilities....1040
Tenant leases....1045
Termination of tenancy....943
Title defects, penalties for mortgagees....899
Title evidence....926
Troubled projects....901
Turnkey III ownership opportunity....1035
Underwriters certification....910
Urban development action grant program....1006
Utilities, metering....1046
Veterans home loan credit standards....3433
Veterans mortgage life insurance....3409
Veterans qualifications-eligibility....982
Voucher regulation....939
Wage rates....1037
Water supply systems....908
Wetlands, protection....880
Housing assistance:
Allocation of funds....938
Audit requirements....1019, 1034
Certificates of family participation....997
Displaced families....933
Elimination of closing costs....921
Evictions from subsidized and HUD-own projects....943
Foreclosure sales....944
Moderate rehabilitation....996
Mortgage payments, temporary....958
Multifamily management and disposition....966
Overpaid....936
Payments program:
Exception rents to the fair market rents....999
Public housing administrative fees....940, 941, 998
Pet ownership by elderly and handicapped....897
Procedures....945
Program description and eligibility criteria....1020
Rent adjustments....941
Rent supplement....933
Rental rehabilitation....1008
Review of applications....938
Voucher demonstration payments program....973
Voucher program....941, 1000
Housing standards:
Building products:
Aluminum windows, etc....912
Carpets in bathrooms and kitchens....913
Grademarking of plywood....906

Sequence Number

Housing standards—Continued
Building products—Continued
Lumber and plywood, pressure treated....978
Mat formed particleboard....911, 980
Polystyrene foam board....979
Roofing membrane, certification....905
Siding and roofing materials....903
Water piping, lead standards....954, 955
Construction of federally-owned family housing....3155
Construction and safety....902, 951, 1001
Hunting....1149, 1159
Hurricane preparedness assistance....2994
Hydropower projects, fees for services....3703

I

Imports:
Adjustment assistance for firms and industries....196
Beer....2076
Distilled spirits....2076
Fish and wildlife marking requirements....272
Foreign-made products, increase in....1438
Fruits and vegetables....51
Injurious mitten crabs....1079
Motor vehicle emission certification procedure....2880
Motor vehicles and engines emission requirements....2909
National security, effect on....192
Natural gas, short-term....518
Pork products....102
Semiconductor chip products....2117
Sugar:
Quota system....109, 110
Trade adjustment assistance for workers....1438
Uranium from South Africa....3957
Wine, estate bottled requirements....2072
Wine....2076
Indians:
Appeals....1054, 1075, 1186
Appeals from administrative actions....1173
Aquifer demonstration program....2788
Archaeological collection, curation of federally-owned....1127
Big Cypress National Preserve....1105
Business and finance....1170, 1176, 1191, 1206, 1208, 1210, 1214, 1226
Cattle pool, revolving....1189
Children....1224
Community development block grants....1007, 1014
Economic development and core management grants....1207
Education...402, 403, 406, 485, 1166, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1193, 1203, 1204, 1205, 1228, 1229
Electric Power system....1198
Employment....1223
Enrollment:
Cherokee, Eastern Band....1167
Mission, San Pasqual Band....1213
Financial assistance....1177, 1188, 1190
Fishing....1221, 1222
Food distribution program....69
Game code, Wind River Reservation....1220
Gaming management contracts....1209
Gas royalties....1234
Government contracts....694
Grants and cooperative agreements....1204
Health service....708, 711
Hearings and appeals....1063, 1065, 1071, 1072, 1073, 1074, 1075
Heritage preservation....1202
Housing....884, 892, 1036, 1037, 1039, 1041, 1043, 1044, 1048
Judgement funds....1168, 1169, 1187
Land, mortgage insurance....985
Land...1065, 1171, 1172, 1195, 1196, 1199, 1200, 1201, 1215, 1216, 1217, 1218, 1224, 1227, 1271
Law enforcement expenditures....1174
Law and order....1212
Life estates and future interests....1199
Mineral resources....1172, 1200, 1201, 1225, 1227

Sequence Number

Indians—Continued
Minority small business regulations....3351
Money accounts program, individual....1192
National Forest System land allotments for homesteading, agricultural, and grazing....133
Oil and gas mineral agreements....1219
Oil royalties....1233
Police....1175
Preference in Government contracts....1047
Primacy enforcement authority....2785
Public land allotments....1316
Public water system supervision program grants....2785
Road construction....1197
School equalization program....1181, 1182
Self-determination....1204, 1205, 1228, 1229
Social services program....1176, 1177
Underground injection control grants....2785
Underground injection control on lands....2784
Water shortage....1311
Wellhead protection program....2788
Wills....1072

Industry:
Adhesives and sealants....2742
Aviation....1814
Biotechnology products....2716
Commercial fishing, size standard....3356
Commercial fishing....1610
Construction, size standard....3343
Export trading companies, size standard....3346
Homeworkers, employment in certain industries....1409
Marine geophysical exploration....291
Offshore oil and gas extraction....2757
Pharmaceutical....2758
Real estate agencies, size standard....3355
Retail and service, size standard....3344
Synthetic organic chemicals....2893, 2894

Information:
Commodity futures nonpublic information....3581, 3583
Costs of adjustable rate mortgages (ARMS)....3802
Electronic records management....3134
End-stage renal disease services....759
Environmental, collection, evaluation, and dissemination....3715
Federal Reserve Board rules....3792
Form of agreements....3749
Housing, disclosure by employees....886
Hydroelectric license applications....3726
International ocean shipping industry....3747
International wills, registry about execution of....1546
NASA organization....3122
News and information media, releases to....3108
Organization, procedures, and availability....3146
Patent applicants and owners duty of disclosure....305
Patent and Trademark Office....300
Personal, disclosure during litigation....3288
Public, statement for guidance of the....3146
Scientific and technical papers....312
Statistical research of National Archives records....3133
Steam electric plant operation and design report....3733
VA lists of names and addresses, unauthorized use....3444
Information Processing Standards, Federal (FIPS)....3028, 3080
Information Resources Management Reviews, Federal (FIRMR)....3025, 3028, 3083

Insurance:
Air taxi operators....1592
Aircraft of personnel of foreign mission....1549
Automobiles of personnel of foreign missions....1549
Bank deposits....3693
Buses for-hire....1888
Commercial space transportation....1565
Credit unions....3864, 3876, 3878, 3879, 3881, 3883
Crime, critical....3006
Crime, Federal program....2996
Definition of accounts insurance coverage....3883
Federal bank deposit law....3695

Sequence Number

Insurance—Continued
Flood....174, 882, 976, 2978, 2987, 2988, 2991, 2992, 2993, 2995, 2999
Health, railroad employees....3325, 3326, 3327, 3328
Hospitals....964
Housing....909, 931, 965
Intermediate care facilities....937
Malpractice....842
Medical, supplementary....814, 3327
Motor carrier industry....1849
Motor carriers....3851
Nuclear power plants....3922
Nursing homes....937
Old-age, survivors, and disability....575, 576, 578, 582, 584, 585, 588, 590, 591, 594, 596, 599, 600, 619, 622, 623, 624, 626, 628, 630, 633, 634, 636, 637, 638, 639, 640, 648
Property, discriminatory activities....1026
Railroad retirement....3337
Savings and loan....3734, 3737
Space vehicle users....3112
Unemployment quality control program....1429
Vessels....2037, 2047
Vessels of personnel of foreign missions....1549
Veterans....3398, 3403, 3409, 3410, 3470
International air transportation....1574
International Patent Cooperation Treaty....304
International trade....163
International wills, registry of information about execution....1546
Inventions:
Class patent waivers....537
Coinventors, VA and University employees....3439
General, Education Department....497
Income sharing....3379
Licensing of Government-owned....297
Non-profit organizations, licensing....3154
Rights of nonprofit organizations....298
Rights of small business firms....298
Investments:
Accounting, full cost method....4019
Accounting for distribution expenses....3997, 4013
Advertising by unit investment trusts....4000
Audits of small investment companies....3348
Bank holding companies....3798
Bond against larceny and embezzlement....4010
Broker-dealer examinations....4035
Broker-dealer financial statements....4034, 4036
Broker-dealer loans....4030
Brokers....4029
Commodity futures....3577, 3578, 3579, 3582, 3583, 3584, 3585
Direct surveys, increase in exemption levels....168
Disclosure requirements....3959
Electronic filing and processing....3978
Financial reporting....3958, 3973, 4001, 4012, 4013
Foreign banks....4017
Foreign custodian, eligible....3965
Foreign investments....3963
Foreign public sector debt....4018
Housekeeping amendments....3998
Investment advisers advertising....3996
Investment advisers fraudulent activities....4012
Investment advisers securities transactions....3994
Investment companies....3970, 3971, 3972, 3975, 3976, 3988, 3993, 3997, 4010
Investment management services....4009
Maintenance of investor's funds....4026
Minority-owned foreign affiliates....167
Money market funds....4015
Mortgage-related securities....3970
Mutual fund governance....3989
Performance data in advertisements....3995
Prospectus delivery during quite period....4016
Prospectus expense-related disclosure requirements....4011
Prospectus simplification amendments....3993
Real estate activities....3798
Real estate companies, two-tier....3964

Sequence Number

Investments—Continued
Records to be preserved by registered companies....4038
Registration of broker-dealers, exemption....3967
Registration of securities information processors....4032, 4033
Registration statements Filed by until trusts....3990
Reporting requirements, investment advisers....3991
Reporting requirements, investment company directors....3991
Reports of directors, officers, and principal stockholders....3975
Revision of proxy rules....3992
Securities...3960, 3961, 3962, 3963, 3968, 3969, 3977, 3989, 3990, 3994, 3999, 4014, 4020, 4021, 4025, 4028, 4029, 4030
Securities offerings disclosure rules....2103
Securities recordkeeping and confirmations....3694
Short Sale definition....4027
Tender offer rule amendments....3974
Trust Indenture Act rules....3976
Underwriters, casualty....3959

J

Job Corps program....1423
John F. Kennedy International Airport....1822

L

Labeling:
Alcoholic-free, use of term....2091
Appliances, energy information....3818
Caloric content on alcoholic beverages....2087
Cereal beverage, use of term....2091
Cheese substitutes....101
Cholesterol content of food....687
Color additive yellow no. 6....2077
Diapers, ingestion and flammability hazards....3594
Distilled spirits....2073, 2077, 2087, 2095, 2096
Distilled spirits place of business....2092
First aid products....3599
Fish and wildlife containers or packages....1087
Frozen fish blocks and products....261
Fruit or vegetable diluted juice beverages, percent of juice....689
Grape harvest, late designations....2071
Home insulation....3819
Light (Lite), use of word....2087
Malt beverages....2073, 2077, 2087, 2091
Near beer, use of term....2091
Non-alcoholic, use of term....2091
Non-generic designations of grape wine....2075
Nutrition and health of food....666
Percentage-of-alcohol-by-volume statement....2096
Pesticides requirements....2705
Pizza....101
Poultry and poultry products....96, 105
Sulfiting agents....672, 692
Textile, wool, and fur products content disclosure....3810
Tobacco manufacturers identification....2082
Whiskies, straight....2085
Wine....2068, 2069, 2071, 2073, 2075, 2077, 2087
Wine grape varietal designations....2089
Wine making terminology....2090
Wood treated with pesticides....2738
Labor:
Alien agriculture workers....1403, 1425, 1433, 1434
Alien Certification Appeals Board....1437
Alien farmworkers....1439
Alien physicians, certification for employment....1431
Distress terminations of single-employer pension plans....3300
Employee benefit plans...1442, 1443, 1444, 1445, 1446, 1450, 1451, 1452, 1453, 1456, 1457
Employer liability for terminations of pension plans....3309
Health hazards, methylene chloride....1524
Homeworkers in certain industries....1409
Job Corps....1423
Job training....1426
Migrant and seasonal farmworkers....1415
Public employment service....1427
Radiation exposure, guidance for occupational....2776

Sequence Number

Labor—Continued
Scientific and engineering....2972
Single-employer plans....3308
State and local government agencies....1414
Surplus areas....1417, 1436
Trade adjustment assistance for workers....1438, 1440
Union Office, Maximum age restrictions on candidacy....1458
Wages....1398, 1399, 1407
Work incentive programs....1441
Worker adjustment assistance....1424
Laboratory practice, good....679
LaGuardia Airport....1822
Land:
Abandoned mine land funding....1289
Abandoned mines....1267
Acquisition of fractional interests....1194
Coal mining, surface....1270
Conversion of cropland to permanent vegetation....46
Erodible highly....30
Farm, inventory of prime and unique....155
Farmland Protection Policy Act....156
Fragile and historic....1295
Hazardous waste disposal....2806
Hazardous waste disposal restrictions for solvents and dioxin....2844
Hazardous waste liquids in landfills, containerized....2823
Hearings and appeals....1067
Indian....1171, 1195, 1196, 1200, 1201, 1215, 1216, 1217, 1218
Indian reservations where tribe is mortgagor....985
Interstate sales registration....877, 947
National Natural Landmarks....1164
Radioactive materials residue, annotation of records....512
Registration fees....946
Rights-of-way....1215
Sale to private sector....171
Soil surveys on Federal....153
Surface mining....1273, 1307
Underground storage tanks detection and prevention, leaking....2820
Use charges....3723
Wetland conservation programs....30
Law:
Arbitration regulation....3009
Attorney's fees, costs, and backpay in EEO cases....2958
Civil money penalties for assistants at cataract surgery....543
Civil penalties, Assessment of....2947
Claims and tort litigation....351
Criminal intelligence systems operating policies....1391
Criminal investigations of immigration service officers....1381
Debarment, suspension, and ineligibility....888
Debarment and suspension....1050
Delivery of military personnel to civil authorities for trial....348
Deportation proceedings....1365
Education grantee suspension and debarment....358
Energy policy in cooperation with the Inspector General....536
Equal access to justice....889
Federal deposit insurance....3695
Indian affairs....1075
International child abduction, civil aspects of....1550
IRS, due diligence standards for tax practitioners....2055
Litigation, disclosure of personal information during....3288
Nonprocurement suspension and development....188
Safe Drinking Water Act, notice requirements for citizen suits under....2945
Suspension and debarment regulations....55
Testimony and production of documents in Court....2099
Voting rights....1361, 1362
Law enforcement:
Attorneys and representatives....1363
Certification of speed limit enforcement....1568
Child support arrears retroactive....870
Child support audit regulations....653
Child support collections....654
Child support enforcement program....866
Corps of Engineers....341

Sequence Number

Law enforcement—Continued
Correctional facilities....3043
Financial institutions....3741
Foreign missions, extraordinary protection....1553
Foreign officials residence....1553
Immigration judges....1363
Indian affairs....1174
Indian police....1175
Indian reservations....1212
Marking requirements, containers of fish and wildlife....272
Mine safety....1294
Real estate, settlement services, kickback prohibition....953
Social Security Administration....577
Surface coal mining permits....1296
Lawyers:
Debarment and suspension....1363
Fees and other expenses....3118
Legal services, General Counsel opinions....3438
Libraries....384, 385, 386, 387, 392
Loans:
Agricultural enterprises....3373
Agriculture business and industrial guaranteed....60
Below market interest-rate....2525
Commercial lender's farm ownership....62
Community development rehabilitation program....1012
Community disasters....2987
Cotton....19
Credit unions....3861, 3862, 3873, 3879, 3880
Disaster....3368
Educational, Indian....1183
Farm ownership and operating, guaranteed and insured....59
Farmer program....63
Farmers home loans....57
Farmers and ranchers....3372
Federal Financing Bank....2058
Funding fees for VA, untimely submission by lenders....3402
Guaranteed student....3452
Health education assistance loans....714, 732
Health professions student loan programs....713, 718
Honey crops....6
Housing, flexible subsidy program....900
Housing....929, 930, 986, 988
Housing for the elderly or handicapped....942, 971
Housing program, rural....54, 58, 61
Housing rehabilitation loans for veterans....982
Interest-free....2525
Liability for toxic wastes....186
National Service Life Insurance....3410
Nursing student program....715
Peanut crops....5, 40, 43
Property improvement and manufactured homes....914
Recordkeeping requirements for Federal home loan banks....3742
Rural electric and telephone systems....2058
Rural Electrification Administration....2058
Rural rental housing policies....66
Soybean crops....45
State and local development companies....3357, 3371
Student....453, 454, 459
Sugar beets and sugarcane crops....27, 34
VA home loan credit standards....3433
VA-guaranteed, use of credit reports for refinancing....3406
VA-guaranteed loan foreclosures....3392
Veterans....3420, 3456, 3478, 3479
Lobbying, grassroots....2194
Lobster, slipper....245
Lobster, spiny....245

M

Mail order merchandise....3808
Mail rates....1589
Manpower training programs:
Job Corps....1423
Job Training Partnership Act audits....1435
Mariana Islands, Northern....1601

Sequence Number

Marine resources:
Channel Islands sanctuary permits....268
Endangered and threatened....1298
Fishery conservation and management statistics....235
Flower Garden Banks sanctuary regulations....263
Injurious mitten crabs....1079
Key Largo sanctuary regulations....262
Looe Key sanctuary regulations....265
Marine Mammal Protection Act....1082
Marine mammals, taking and importing....275
Marine mammals, taking incidental to underwater tests by Navy....234
Outer Continental Shelf....1254
Permits for taking marine species....242
Point Reyes-Farallon Island sanctuary permits....269
Sanctuary program regulations....279
Sanctuary regulations, National Marine....264
Seals taken as result of seismic exploration on ice in Beaufort Sea....291
Uniform procedures for enforcement and civil proceedings....270
Whales, regulations governing the harassment of humpback....278
Maritime academies and colleges....2033
Maritime carriers:
Anti-rebate certification forms....3780
Attorney's fees in reparation proceedings....3771
Automobile measurement rule....3767
Common and contract carriage....3751
Cost of regulatory proceedings....3746
Independent rate action....3748
Index of documents for agreements....3752
Information form for agreements....3749
International ocean shipping industry....3747
Joint Service/Consortium, definition....3765
Merchant marine....3756
Ocean common carriers, agreements....3761, 3774
Ocean freight forwarders....3754
Passenger vessel operators financial responsibility....3757
Rates quoted subject to booking....3760
Recordkeeping requirements....3776
Regulation of agreements of domestic....3753
Review conference practices....3758
Rules of practice and procedure....3777
Service contract provisions....3764, 3776
Service contracts in foreign commerce....3769
Shipper, definition of....3782
Steamship conference contract authority....3773
Tariff, publication of free time and detention charges....3772
Tariffs, automated filing....3750
Tariffs, exculpatory provisions....3778
Tariffs, exemptions on excepted commodities....3770
Terminal agreements....3768
Terminal agreements and leases....3762
Trade routes redesignation....2044
Training....2052, 2053
Trucks:
Detention at Port of New York....3779
Maritime vessels:
Buy out contract terminations....2050
Cargo handling gear certification....1490
Cargo preference....2038, 2042, 2043, 2046
Construction-differential subsidy....2032, 2034
Non-subsidized voyages....2049
Operating-differential subsidy agreements....2049
Program regulations....2035
U.S.- flag....2043
War risk insurance....2039
Marketing:
Drugs, veterinary and human for commercial marketing abroad....667
Pipelines, anticompetitive practices....3718
Retail food stores....3815
Marketing agreements:
Honey....6, 41
Members of Exchange Governing Boards....3581

Sequence Number

Marketing agreements—Continued
Peanut crops....40
Tobacco....48, 49
Tobacco price support program....24, 25
Marshall Islands....1601
Meat and meat products:
Administrative regulations....89
Barbeque standard....104
Canning containers....102
Establishment, records, registration, and reports....100
Inspection procedures....90, 93
Irradiation of pork for trichina control....107
Lite sausage standard....99
Salmonella and other enteric bacteria, control of....94, 95
Sausages, added water in cooked....97
Slaughter regulations for red....90
Swine, sulfonamides in....98
Swine identification at slaughtering establishments....92
Medicaid:
Adjustment for uncashed/cancelled checks....839
Assets, revaluation of....752
Conforming amendments....744
Cost of living increases, treatment of....815
Criminal investigation, withholding payment....556
Deficit Reduction Act provisions....747
Definitions....809
Eligibility....742, 743, 754
Eligibility determinations based on disability, medically needy income levels for individuals....762
Eligibility for qualified severely impaired individuals....778
Groups, eligibility....803
Home health agencies....780
Hospice case management....768
Hospice Core Services....840
Identification of third party resources....841
Information on Omnibus Act....856
Inpatient hospital payments....811
Intermediate care facilities....812
Long-term care facilities....811
Management information system....862
Mentally retarded....827
Organ procurement certification....805
Overpayments, refunding of Federal share by States....832
Payments....807
Pregnant women, children, and newborn children....821
Prescription drug reimbursement....820
Program integrity amendments....861
Provider agreement and supplier participation....780
Reporting and recordkeeping requirements....813
Sanction regulations....550
Second surgical opinion requirement....847
Skilled nursing facilities....812
Spenddown....745
State plan requirements....773
Survey and certification procedures....741
Termination of AFDC eligibility....873
Transfer of assets....804
Medical devices, premarket approval....698
Medical schools, disadvantaged health professions students....721
Medicare:
Aliens eligibility....801
Alternate sanctions for ESRD facilities....774
Ambulatory surgical centers, list of covered surgical procedures....824
Appeals....831
Appeals rights, beneficiaries law hearings....739
Assets, revaluation of....752
Benefit period determinations....808
Case processing standards and time frames....652
Cataract surgery, civil penalties....543
CHAMPUS....771
Civil money penalty and sanction provisions....545
Claims, processing by electronic means....845
Clinical laboratory services, cost limits for hospital....849
College of American Pathologists Laboratory accreditation program, recognition of....781
Conforming amendments....744
Cost reports/intermediary payment determinations....740
Costs or charges provisions, changes to....810
Diagnostic-related group classification system....717
Dialysis filters and other dialysis supplies....796
Dialysis services, outpatient maintenance....770
Drug regimen reviews....808
Economic index....852
Economic index of charges....834
End-stage renal disease....797
Federal employees....3271
Groups, eligibility of coverage....802
Health Maintenance Organizations (HMOs)....800
Heart transplants....858
Hemophilia clotting coverage....757
Hepatitis B vaccine coverage....757
Home and community-based services....769
Home health agencies....799, 806
Home health agency costs....829
Hospice Core Services....840
Hospices payment cap....857
Hospital insurance....750
Immunosuppresive drugs, coverage of....795
Income and eligibility verification system data....547
Information on Omnibus Act....856
Inpatient hospital deductible....784
Inpatient hospital prospective payment system....793
Inpatient hospital services....817
Interest expense and suspension of payments....787
Kidneys sent to foreign countries, reimbursement....772
Liability of third parties....756
Liability for uncovered services....830
Long-term care facilities....798
Low-income patients, payments for large rural hospitals....837
Medical education costs, changes in payments....760
Medical services, supplies and equipment, lowest charge levels....823
Medical services coverage decisions, criteria and procedures....794
Non-emergency admissions to hospitals....859
Organ procurement certification....805
Parenteral and enternal nutritional therapy payment....774
Physician fees and services....751, 843
Physician services, refinement of reasonable charge methodology....846
Poor quality care, denial of payments....777
Premium for monthly actuarial rates for aged....851
Premium for uninsured aged....850
Procedural policy....740
Provider agreement and supplier participation....780
Rates for aged and disabled, premium....783
Rates for uninsured aged, premium....835
Reasonable charge limitations....822
Sanction regulations....550
Skilled nursing facility inpatient routine service cost....828
Sole community hospitals....818
Supplementary medical insurance premiums....838
Supplementary medical insurance program....783
Surgical procedures, preprocedure review....782
Survey and certification procedures....741
X-ray service coverage....757
Medicine, National Library of....738
Mental disorders....3459
Mental health services....552
Merchandising, negative option methods....3822
Micrographics records management....3129
Micronesia....1601
Migrant health service grants....707
Migrant and seasonal farmworkers....395, 1415
Military law:
Army General Counsel's honors program....330
Delivery to civil authorities for trial....348
Revise and clarify rules on litigation....342

Sequence Number

Military personnel:
All Volunteer Force....3408
Army General Counsel's honors program....330
Benefits, coordination of....316
Certificates of separation....352
CHAMPUS....317, 325, 326
Civilian health and medical programs....317, 325, 326
Commercial solicitation, personal....320
Emergency travel warrants....3022
Entry level separation, definition....344
Financial responsibility....353
Medical Program Review Committee....327
Overseas air charter tariffs....1558
Private commercial activities....354
Reservist/retirees....3022
Rules on litigation....342
Selective service regulations....3342
Standard of conduct....321
Training simulators and devices....329
Milk program for children, eligibility....83
Mine safety and health:
Backfilling and grading....1281
Black lung benefits....1406
Individual civil penalties....1294
Miners....1480
Mines...1459, 1460, 1461, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1481
Performance standard roads....1262
Spillways, engineering standards....1285
Underground mining....1284
Underground mining activities - hydrologic balance protection 1300
Underground mining prohibited surface impacts....1263
Uranium miners exposure to radon....2776
Mineral resources:
Abandoned land mine funding....1289
Appeals procedures....1258
Assessments for incorrect or late reports....1231
Borehole abandonment....1256
Coal leasing and management....1355
Deep Seabed mining permits for commercial recovery operations 281
Disposal of common variety from forest lands....128
Disposal from forest lands, non-competitive....143
Forests locatable....132
Geothermal resource leasing....1322
Geothermal resource operations....1331
Hearings and appeals....1064
Hydrogen sulfide operations....1326
Indian land....1172, 1200, 1201, 1216, 1217, 1218, 1225, 1227, 1271
Leasing....1323, 1336
Licenses, prospecting permit, and leases for forest lands....130
Mining claims....1337
Mountaintop removal....1278
National parks....1123, 1137, 1162, 1163
Nonmineral entries on mineral lands....1313
Oil and gas:
Indian owned....1219
Nonfederal rights....1162, 1163
Onshore site security....1329
Operations in the OCS....1254
Royalty management....1237
Waste prevention....1251
Oil and gas leasing....280, 1321, 1322, 1327
Oil and natural gas pipelines....1349
Onshore oil and gas leasing....1236, 1328, 1335
Onshore oil and gas operations....1350, 1354
Outer Continental Shelf...280, 1232, 1239, 1240, 1243, 1244, 1245, 1246, 1247, 1248, 1257
Proprietary data and information....1241
Rights reserved and excepted on National Wildlife Refuge lands 1100
Rights-of-way....1318
Royalty-in-kind crude oil....1252
Supplemental sales....1242

Sequence Number

Mineral resources—Continued
Surface coal mining...1259, 1260, 1265, 1266, 1271, 1274, 1275, 1276, 1282, 1288, 1290
Trespass violations....1345
Valuation of gas for royalty purposes....1234
Valuation of oil for royalty purposes....1233
Water from oil and gas wells, disposal of....1325
Mineral royalties...1230, 1233, 1234, 1235, 1237, 1238, 1249, 1250, 1252, 1253
Mines:
Abandoned land mine funding....1289
Backfilling and grading....1281
Coal...1259, 1260, 1268, 1270, 1271, 1274, 1276, 1279, 1282, 1288, 1290, 1355, 1462, 1463
Coal preparation plants....1292
Control and ownership....1291
Deep seabed....281
Definition of "valid existing rights"....1272
Farmland, operations on prime....1286
Fragile and historic lands....1295
Hearings and appeals....1069, 1070
Highwall policy....1283
Individual civil penalties....1294
Inspection and enforcement....1287
Legal and financial commitment....1274
Mountaintop removal....1278
Ownership information....1276
Performance standard roads....1262
Permits, Alluvial Valley Floors....1261
Permits....1277, 1279, 1296, 1297
Protection of endangered and threatened species....1298
Protection of historic properties....1297
Remining - removal of adverse physical impact....1303
Reports and records of accidents, injuries, illnesses, employment and coal production....1463
Safety and health...1459, 1460, 1461, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481
Spillways, engineering standards....1285
Subsidence control plan....1306
Surface mining...1259, 1260, 1264, 1265, 1266, 1267, 1269, 1271, 1273, 1274, 1275, 1276, 1282, 1284, 1287, 1290, 1293, 1299, 1301, 1304, 1305, 1307, 1462
Surface mining operations affecting two acres or less....1302
Termination of jurisdiction....1259
Underground mining....1284
Underground mining activities - hydrologic balance protection 1300
Underground mining prohibited surface impacts....1263
Unsuitability petition process....1275
Waste disposal....1280
Waste regulatory program....2798
Minority Business Enterprise....1580, 1584, 1587, 3364
Mobile home sales and service....3820
Mohair and mohair top grade standards....1
Monuments and memorials, recreation and recreation areas...1133, 1155, 1156
Mortgage insurance:
Condominium ownership....963
Cooperative housing....990
Denied claims, filing period....915
Elimination of closing costs....921
FHA single family mortgage....921
Flood disaster protection....882, 976
Foreclosures or deeds-in-lien of foreclosure....956
Graduated payments....924
Hawaiian homelands....983
Indian land where tribe is mortgagor....985
Loans coinsured....994
Manufactured homes, standards for foundations and sites....977
Multifamily:
Fees to third parties....927
Housing....931, 991
Leaseholds insurance....961

Sequence Number

Mortgage insurance—Continued
Multifamily—Continued
Rental housing, limitation on prepayment 932
Rental housing 932
Penalty for lack of documentation 918
Residential energy conservation measures 959
Single-family:
Adjustable rate mortgages 957
Borrower eligibility 898
Coinsurance 989
One-time premium 916
Payment without conveyance of title 984
Premiums 928
Retention period for claim records 917
Solar energy system 959
Veterans 3409
Veterans qualifications-eligibility 982
Mortgages:
Conveyance of properties occupied by tenants or former mortgagors 956
Cooperative homeownership 990
Cooperative housing development eligibility 981
Costs of adjustable rate mortgages (ARMS) 3802
Credit union investment 3870
Denied claims, filing period 915
Eligibility requirements 987
Escrow account assignment option 935
Financial disclosure to purchasers 975
FNMA security, definition 875
Increased costs due to residential energy conservation measures 959
Increased costs due to solar energy system 959
Inspection fees 960
Inspections of HUD-held 972
Insurances claims 909
Property management standards 173
Refinancing of existing HUD-insured 922
Refund elimination 986
Temporary assistance payments 958
Title evidence 926
Underwriters certification, direct endorsement 910
Motor carriers:
Accident reporting 1892
Accounting and reporting requirements 3836, 3840
Agricultural cooperative exemption 3843
C.O.D. shipments 3833
Cargo preference requirements 1885
Collective ratemaking territory 3848
Driver-licensing standards 1875
Drivers, drug use prohibition 1843
Drivers license 1845
Drivers qualifications 1843, 1845
Employee safety and health standards 1840
Environmental restoration financial responsibility 1886
Equipment and drivers, lease of 3850
Federal regulations 1838
Financial responsibility 1849, 1888
Hours of service 1869
Household goods, movement of 3828
Impaired rail service 3844
Insurance rate investigation 3851
International authority 3844
International movements, trailers and containers 3834
Interstate regulations 3826, 3846
Licensing and related services, fees for 3837
Motor-water rates, single-factor 3839
Operating authority, forms of requests 3847
Operating rights, transfer of 3825
Parts and accessories necessary for safe operation 1839
Passenger, superhighway and deviation rules 3841
Private 1848
Rates, rulemaking on negotiated 3852
Safety:
Blood alcohol concentration standard 1832
Fitness of owners and operators 1872

Sequence Number

Motor carriers—Continued
Safety—Continued
Front wheel brakes 1887
Private carriers 1848
Trucks:
Detention at Port of New York 3779
Rear underride protection 1912
Size and weight, reasonable access 1831
Size and weight; automobile transporters 1870
Size and weight; interpretation and policy statement 1868
Size and weight; lane widths 1871
Size and weight; special permits 1846
Size and weight; trailer lengths 1867
Splash and spray suppression devices 1866
Uranium hexafluoride packaging safety 2016
Motor vehicles:
All-terrain vehicles 3591
Automobile:
Anthropomorphic test dummies 1914
Change in mileage rate 3052
Coating operations 2897
Depreciation and investment tax credit 2408
Fuel economy standards 1933
Liability insurance for personnel of foreign missions 1549
Measurement rule for domestic offshore commerce 3767
Methylene chloride hazard 1524
Occupant crash protection 1899
Theft prevention standard, insurer reporting requirements 1952
Theft prevention standard, petitions for exemptions 1934
Buses 1888, 1968, 1969, 1971
Customs users fees 2116
Diesel fuel modification 2884
Economy standards 1919, 1948
Emission requirements for imported 2909
Fuel economy and emissions test 2913
Gas emission monitoring system 2889
Heavy-duty engine NOx and PM emission credits 2878
Heavy-duty gasoline vehicles emission performance warranty 2882
Hydrocarbon emissions, refueling 2877
Imported certification procedure 2880
Light-duty trucks hydrocarbon emission standards 2875
Light-duty trucks use of unleaded gasoline in emissions and fuel in emissions and fuel economy testi 2910
Light-duty vehicles 2913
Light-duty vehicles and trucks emission performance warranty 2882
Methanol-fueled emission standards 2908
Motor carrier safety:
Rearview mirror systems 1924
Off-road vehicles 1343
Off-road vehicles use in National Forest System 125
Safety standards:
Anthropomorphic test dummies 1914
Anthropomorphic test dummies representing children 1930
Boat transporters 1842
Brake systems 1922, 1923, 1926, 1943, 1945
Bumpers, pedestrian protection 1913
Child restraint systems 1931
Child seating systems 1947
Compact vans/station wagons 1905
Controls and displays 1937
Crashworthiness ratings 1910
Daytime running lights 1920
Emissions standards 2878
Fuel system integrity 1908
Glazing materials 1932
Head restraints 1921
Lamps, reflective devices, and associated equipment 1902, 1918, 1951, 1953, 1954
Motorcycle helmets 1939
Occupant crash protection 1899, 1906, 1909, 1936, 1946, 1950
Power brake regulations 1958
Rearview mirror systems 1925, 1942

Sequence Number

Motor vehicles—Continued
Safety standards—Continued
School bus interior materials 1903
School bus passenger seating and crash protection 1935
School bus seating systems 1900
Seat belt assembly anchorages 1944
Seating reference point/driver's eye range 1940
Seating systems costs 1901
Seating systems; seat-back release 1949
Side impact protection, head/neck protection and occupant ejection mitigation 1897
Side impact protection, thorax protection 1917
Splash and spray suppression devices 1915
Steering control rearward displacement 1938
Stopping-distance consumer information 1904, 1941
Theft prevention, voluntary identification 1929
Tire quality grading standards, uniform 1916
Tire registration 1907
Trailer stability, heavy 1927
Uniform tire quality grading review 1898
Seizure and forfeiture of alien 1373
Self-serve fuel switching prevention 2883
Trap-oxidizers for particulate control 2881
Trucks:
Boat transporters 1842
Impact protection for driver from steering control system 1896
Occupant crash protection 1899
Route designations 1891
Size and weight 1842, 1844, 1873, 1891
Tractor semitrailer-trailer 1844

N

National cemeteries:
Arlington 334
Soldiers Home 334
National Health Service Corps 725
National Library of Medicine 738
National monuments and memorials 1112
National natural landmarks 1164
National parks:
Air quality values 1146
Alaska 1124, 1142, 1165
Big Cypress National Preserve 1105
Concessions 1124
Contract acquisition regulations 1107
Employment practices, discrimination 1130
Hawaii Volcanoes 1113
Indian use and occupancy 1105
Mineral resources 1123, 1137, 1162, 1163
National Capital Region 1161
National landmarks 1164
Noise control 1138
Non-Federal lands regulations 1104
Prohibition of surface coal mining 1272
Protection, resource and visitor 1109
Public services, discrimination 1130
Recreation and recreation areas:
Aircraft 1142
Boating 1147
Fishing 1108, 1110, 1113, 1114, 1117, 1119, 1121, 1132, 1135, 1136, 1141, 1150, 1157, 1158
Hunting 1120, 1149
Motorboats 1142
Mountain climbing 1116
Off-road vehicles 1111, 1122
Snowmachines 1142
Snowmobiles 1111
Target practice 1139, 1140, 1152
Winter backcountry trips 1153
Rocky Mountain 1118
Trapping 1148
Trucking regulations 1118
Vehicles, commercial 1134, 1154
Vehicles, driving under the influence 1129
Wildlife protection 1148

Sequence Number

National Personnel Records Center 3124, 3126
National Petroleum Reserve 1322
National security:
Commercial space transportation 1579
Dispersal of facilities 2976
Imported articles, effect on 192
Radioactive mixed wastes, management of 2804
Scientific and engineering manpower 2972
Scientific and technical papers at meetings 312
National Wildlife Refuges 1084, 1098
Natural resources:
Alaska land management 1347
Aquatic resources 340
Archeological 3378
Coastal zone management 280
Conservation reserve program 46
Damage assessment 1356, 1357
Endangered and threatened wildlife 242
Flood plain management 3004
Hazardous substance damage assessments 1055
Hydrogen sulfide operations 1326
Marine sanctuary program 262, 263, 264, 265, 268, 269, 279
Mineral resources 1325, 1336
Outer Continental Shelf 280
Project permits, Corps of Engineers 337
Soil erosion, reduce 46
Wetlands management 3121
Wetlands protection 3004
Navigation regulations, Gulf of Mexico Intracoastal Waterway 1716
Navigation system, U.S. aid to 1655
News and information media 3108
Noise control:
National parks 1138
Pavement breakers 2792
Power lawn mowers 2792
Rock drills 2792
Truck transport refrigeration units 2792
Wheel and crawler tractors and buses 2792
Nuclear decommissioning costs 2448
Nuclear fuel 3929
Nuclear materials:
Cleanup after accidental and unexpected releases 3895
Control and accounting requirements 3932
Human reliability program 509
Physical inventory summary reports 3933
Radioactive, low quantities of radionuclides 3949
Radioactive, well-logging operations 3920
Regional licensing for Air Force 3949
Security requirements 3941
Shipping and packaging requirements 3956
Uranium imports from South Africa 3957
Nuclear power plants:
Aircraft, restrictions on landing at sites 510
Atomic Safety and Licensing Appeals Board 3912
Bankruptcy filing 3919
Biological emergency 2982
Cleanup after accidental releases or contamination 3895
Codes and standards 3927
Communications procedures 3952
Construction permit proceedings 3937
Decommissioning costs 3707
Decommissioning criteria 3917
Degree requirements for senior operators 3902
Emergency preparedness 3903, 3918
Hearings, adjudicatory licensing 3940
Human reliability program 509
Licensing 3889, 3894, 3897, 3900, 3912, 3939, 3942, 3953
Material control and accounting requirements 3932
Nuclear fuel accounting regulations 3705
Nuclear occurrence, criteria for extraordinary 3936
Operators' licenses 3924
Personnel:
Dosimeter (measure radiation exposure) processing 3946

Sequence Number

Nuclear power plants—Continued
Personnel—Continued
Radiation, standards for protection against....3915
Pipe ruptures....3926
Property insurance, mandatory....3922
Protection requirements for spent fuel shipments....3934
Radioactive contamination limits....3893
Radioactive waste oil, disposal of low-level....3947
Radiological emergency....2983
Records retention periods....3914
Reporting requirements....3916, 3933, 3935
Safety related and important to safety regulations....3901
Station blackout....3925
Uniform system of accounts....3702
Uranium mill tailings, disposal of....3921
Nuclear power reactors:
Construction permits, review procedures....3938
Emergency core cooling system....3899
Emergency preparedness....3928
Equipment, retirement units....3702
Leakage testing for water-cooled....3923
Licenses or applications annual fee....3954
Licenses and permits....3891
Medical use of radioactive by-product material....3951
Nuclear waste:
Financial responsibility standards for long-term care....3955
Geologic repositories....3904, 3931
Geologic repository, records and documents....3892
Radioactive, definition of high-level....3930
Radioactive, low quantities of radionuclides....3887
Radioactive contamination limits....3893
Radioactive oil, disposal of low-level....3947
Radioactive waste, high-level....516
Spent nuclear fuel....516
Uranium mill tailings....512
Nuclear weapons, human reliability program....509
Nuclear weapons facilities, prohibited airspace....1745
Nursing homes coinsurance....937
Nursing homes fire safety equipment....962
Nursing student loan program....724

O

O'Hare International Airport....1822
Occupational health and safety:
Access to employees exposure and medical records....1530
Actinolite....1495
Agricultural pesticides, worker protection standards of....2702
Air contaminant concentrations....1496
Anthophyllite....1495
Asbestos....1495
Benzene....1539
Cargo handling gear certification....1490
Compressed air....1519
Concrete and masonry construction....1531
Confined space....1504
Construction regulations for tests and inspections....1527
Crane or derrick suspended platforms....1538
Electric power generation....1508
Electrical safety-related work practices....1498
Ethylene dibromide....1529
Ethylene oxide....1493
Excavation work....1500
Explosive and other dangerous atmospheres....1522
Face, head, eye, and foot protection....1515
Fall protection....1512, 1534
Fall protection for steel erections....1511
Fall protection systems....1502
Flammable and combustible liquids....1520
Flammable and compressed gasses....1497
Formaldehyde....1543
Formaldehyde emissions from-wood products....2719
Formaldehyde released from treated fabrics....2719
Glycol ethers....1488
Grain handling facilities....1532
Hazard communication....1525, 1544

Sequence Number

Occupational health and safety—Continued
Hazardous energy sources....1506
Ladders and similar climbing devices....1503
Logging....1505
Longshoring....1507
Manual lifting....1489
Methylene chloride hazard alert....1524
Nuclear facilities decommissioning....3917
Oil and gas well drilling and servicing....1499
Personal protective equipment....1518
Platforms, powered....1533
Presence sensing device initiation of mechanical power presses....1540
Pulp, paper and paperboard mills....1509
Radiation exposure limits for all workers....2776
Respirations....1496
Respiratory protective devices....1494
Rollover protective structures on motor vehicles, mechanized equipment, and marine operations....1510
Safety testing/certification....1537
Scaffolds....1513, 1536
Scaffolds and similar work surfaces....1501
Servicing single piece rim wheels....1542
Shipyard access and egress....1514
Stairways and ladders....1541
Transuranium elements dose rate limits....2774
Tremolite....1495
Underground construction, tunnels and shafts....1535
Welding, cutting, and heating....1517
Welding, cutting and brazing....1516
1,3-Butadiene....1521
4, 4-Methylenedianiline....1487
Ocean incineration and dumping regulation....2770
Off-road vehicles....125, 1308, 1343
Offshore drilling units, mobile....1642, 1689
Oil and gas:
Annual charges for pipeline....3717
Computerization of rate filing data....3713
Cooperative agreement....1330
Costs, protest procedures....3724
Fees, rentals, and royalties....1324
Leases....280, 1323, 1324
Mineral agreements for Indian owned....1219
National parks....1162, 1163
Natural gas pipelines after partial wellhead decontrol....3722
Natural gas rate design....3712
Offshore extraction industry....2757
Onshore site security....1329
Outer Continental Shelf....280
Pipeline purchased price....3704
Pipeline rates....3709
Pipeline rates for depreciation analysis....3728
Pipelines, anticompetitive practices....3718
Pricing....3729
Right-of-way annual rental....1349
Royalty management....1330, 1354
Short-term exports and imports....518
Waste prevention....1251
X-ray test procedures for measuring lead content in fuels....2919
Old-age, survivors, and disability insurance:
Adjudication of disability claims....578
Adjustments in benefits on account of retroactive benefits....591
AFDC program, treatment of lump sum and monthly payments....582
Aliens, US residence requirements....628
Appeals council procedures....622
Appeals council review....600
Appeals Council review authority....609
Application withdrawal....648
Cardiovascular system, medical criteria....576
Compliance with Federal law....636
Consultative examinations; medical evidence....588
Continuation of benefits during appeal....633
Continued payment of benefits to persons in vocational rehabilitation programs....643

Sequence Number

Old-age, survivors, and disability insurance—Continued
Dead, provision for presuming a person is....623
Decisions by administrative law judges in cases remanded by courts....605
Dependency test for adopted great-grandchildren....645
Disability, blindness, and multiple impairments....638
Disability, period of....639
Elimination of windfall benefits for persons receiving pensions from noncovered employment....626
Entities as representative of claimants....613
Entitlement, reduction of....599
Entitlement determination....596
Federal employees, newly hired....630
Federal judges, coverage of earnings....630
Fee determination....640
Gainful activity, evaluation guides for determining substantial....611
Illiteracy and inability to communicate in English....602
Information and records available to the public....597
Listing of impairments....602
Medical criteria for determination of disability, mental impairment - childhood listings....604
Medical criteria for determination of disability; musculoskeletal 585
Medical evaluation criteria for acquired immune deficiency syndrome [AIDS]....581
Organization and procedures....649
Overpayments, waiver of recovery....594
Payment of costs of rehabilitation services....637
Prisoners, nonpayment of benefits....610
Qualifications of medical professionals evaluating mental impairments....634
Records of earnings....617
Reopening and revising determinations where there is error or new and material evidence....590
Respiratory system, medical criteria....584
Rotation of administrative law judges, appointed to hear and decide cases....579
Simplified fee process for representatives of claimants....575
State and local government employees....619
Use of work evaluations to evaluate individuals with mental impairments....601
Wage coverage under social security....624
Wages, timing of crediting deferred....615
Ophthalmic goods and services....3812
Organization and functions:
Federal Home Loan Bank Board....3743, 3744
National Aeronautics and Space Agency....3122
Outer Continental Shelf:
Air quality regulations for oil and gas operations....1232
Cessation of production....1248
Coastal zone management....280
Crane design inspection, off-shore....1622
Data and information available to the public....1239
Inspection of fixed outer continental shelf facilities....1611
Mineral royalties....1230
Navigation aids on Outer Continental Shelf....1631
Notice of sale....1257
Occupational health and safety....1611
Offshore drilling units, mobile....1706
Offshore evacuation procedures....1658
Oil and gas, and sulphur operations....1246
Removal of postproduction platforms....1254
Safety....1697
Self-inspection of fixed facilities....1657
Ozone protection strategy, stratospheric....2874

P

Packaging:
Effervescent tablets containing aspirin....3606
Estrogens, exemption from child-resistant packaging....3596
Explosive and blasting agents....1984
Fish and wildlife....1087
Household substances, child- resistant....3598
Poison Prevention Packaging Act, rules and standards review....3586
Tobacco manufacturers identification....2082

Sequence Number

Packaging—Continued
Transport of hazardous materials standards....1999
Uranium hexafluoride....2016
Paleontological resources on National Forest System lands....141
Paleontological specimens management....1341
Parking, Federal employee....3057
Parks, public use standards....3287
Patents:
Applicants and owners duty to disclose information....305
Arbitration of interference cases....307
Class waivers, rights in inventions....537
General, Education Department....497
Government-wide regulation....3154
Income sharing....3379
International applications....311
International preliminary examination....304
Microorganism, term of deposit....299
Ownership right, co-inventors....3439
Plants, variety naming requirements....301
Presidential Memorandum on Government Policy....3114
Procedure in interference cases....303
Regulated products....686
Rules for extension of term....308
Waiver policy....3114
Waivers....533
Peanuts:
Export edible sales price....40
Poundage quota....28, 47
Price support program....5, 18, 28, 43, 47
Pensions:
Benefit reductions....3311
Cash-out limitation....3304
Civil sanctions....1453
Distress terminations....3300
Employer liability for termination of plans....3299, 3309
Group insurance, valuing....3306
Implementation guidelines....3296
Participant directed individual account plans....1442
Plan assets:
Allocation and distribution....3298
Valuation of....3306
Plan benefits, valuation of....3295, 3307
Reporting and recordkeeping requirements....3308
Residual assets, reversions of....3296
Single-employer plans....2227, 2228, 3289, 3299, 3300, 3301, 3305, 3306, 3308, 3309, 3310, 3311
Trusteed plans, payment of benefits....3297
Vested benefits, allocating unfunded....3294, 3303
Voluntary terminations....3310
Withdrawal, mass....3302
Withdrawal liability:
Adjustment of....3291
Following merger....3293
Waiver of complete....3292
Waiver of partial....3290
Personnel Records Center, National....3124, 3126
Pesticides:
Acute hazardous wastes....2703
Advertising restriction....2707
Certification of applicators....2692, 2693
Good laboratory practice standards....2696, 2714
Grain fumigants restricted use classification....2709
Granular insecticides restricted use classification....2711
Groundwater contamination....2697
Guidelines on disposal and storage....2701
Hazard communication....2730
Labeling requirements....2705
Labeling of wood treated with pesticides....2738
Microbial products of biotechnology....2716
Negotiated consent/procedural test rule....2727
Registration and classification procedures....2704
Registration of pesticide producing establishments....2700
Reporting requirements for manufacturers and processors....2717
Reporting requirements for risk/benefits information....2706

Sequence Number

Pesticides—Continued
Restricted use classification....2711
Sale of restricted use pesticides to noncertified applicators....2698
Spills cleanup policy....2723
Termiticides restricted use classification....2695
Toxicology data requirements for antimicrobial....2710
User charges for registration processing....2708
User fees for processing premanufacture notices....2725
Workers protection standards for agricultural pesticides....2702
Pests:
Gypsy moth....50
Importation of exotic....51
Petroleum Reserve, National....1322
Physicians, employment of alien....1431
Pipeline safety standards:
Design of gas pipelines....2021
Explosives and blasting agents, packaging standards....1984
Gas gathering line definition....1982
Inspectors, certification of State....1979
Line marking and public education....1986
Pressure, maximum allowable operating....2018
Pressure testing non-welded tie-in joints....2017
Reporting safety-related conditions....2020
Training guidelines....1985
Transmission line repair....2031
Transportation of natural and other gas....2019
Pizza standards....101
Plants:
Diseases and pests....52
Endangered and threatened....1080, 1088, 1089, 1091, 1092, 1093, 1094
Protection of rare....1339
Variety naming requirements for patent applications....301
Plazas, public use standards....3287
Political advertising....2194
Pork products, imported cured....102
Postal service:
Mail order merchandise....3808
Penalty mail to assist in location and recovery of missing children....161, 3484
Poultry and poultry products:
Administrative regulations....89
Barbeque standard....104
Canning containers....102
Cooked poultry sausage....103
Labeling claims, verification of....96
Mechanical deboning....105
Records, registration, and reports....100
Salmonella and other enteric bacteria, control of....94, 95
Presidential documents:
Former Presidents:
Notice of impending opening of restricted records....3131
Notice when disclosure may adversely affect any Rights or privileges....3131
Microfilm equipment, use of privately owned....3138
Presidential Records Act implementation....3131
Procedures for consultation between Archivist and Federal agencies....3131
Public notice of intention to dispose of valueless records....3131
Security measures for records used by the public....3141
Price support program:
Cotton....21, 22, 55
Grain....20
Honey....6, 15, 41
Milk....35, 36
Peanut crops....40
Peanuts....5, 18, 28, 43, 47
Rice....26
Soybean crops....45
Sugar beets and sugarcane....27, 34
Tobacco....24, 25, 37, 44, 49
Wheat....29
Wool and mohair....16, 23
Privacy:
Disclosure of personal information....3288
Exempt system of record, TVA....3381

Sequence Number

Privacy—Continued
Family educational rights....365
Farm credit regulations....3627, 3634
Financial Privacy Act....1393
Personnel records, Federal....3177
Public requests for information, facilitate and simplify....2054
Records access procedures, Federal personnel....3090
Records and information request procedures....538
Records system for Federal home loan banks....3741
Regulation and implementation....412
Review to update regulations....3759
Statistical research of National Archives records....3133
VA lists of names and addresses, penalty procedures....3444
Property:
Federal-aid highway program....1863
Historic preservation....152, 399, 1144
Historic preservation review process....2688
Industrial plant equipment....2969
Management standards....173
Public assistance program....583, 864
Public broadcasting....551
Public health:
Methylene chloride....688
Schools....733
Public lands:
Air quality values....1146
Airport leases....1353
Alaska....1347
Archeological resources, protection....1145, 3378, 3442
Automated records system....1312
Cadastral survey....1344
Classification....1315
Cultural resource management....1340
Desert land entries....1352
Exchanges....1314
Geothermal resource operations....1331
Grazing administration....1338
Hearings and appeals....1066, 1068, 1076
Horses and burros, wild and free roaming....144
Hydrogen sulfide operations....1326
Indian allotments....1316
Irrigation, allocation of water....1311
Leases, permits, and easements....1320
Mineral resources....1336, 1345
Mining claims....1337
Nonmineral entries on mineral lands....1313
Off-road vehicles....1308
Oil and gas leasing....1321, 1322, 1327
Oil and gas royalty management....1354
Onshore oil and gas leasing....1328, 1335
Onshore oil and gas operations....1350, 1354
Opening and closing regulations....1346
Paleontological specimens management....1341
Range and grazing management....144
Rare plants protection....1339
Recreation and recreation areas....1308, 1319, 1342, 1351
Rights-of-way....1317, 1318
Rights-of-way annual rental....1349
Rights-of-way grants....1348
Special uses of National Forest System....145
Surface mining....1301
Title records, National Forest System....118
Ultralight vehicle use....1308
Unauthorized use....1345
Water from oil and gas wells, disposal of....1325
Public radio....551
Public telecommunications....551
Public works impact program....176
Puerto Rico....2094

R

Radiation, standards for protection against....3915
Radiation exposure....2804

Sequence Number

Radiation safety for well-logging operations....3920
Radiation therapy....3888
Radio, public....551
Radioactive material....3906
Radioactive waste management....512, 515, 516, 2804, 3887
Radioactive waste procedures....3905
Radioactive waste substances....535
Radiological emergency....2982, 2983
Rail-highway grade crossings....1961
Railroad employees:
  Administration of estates....3335
  Federal health insurance benefits....3325, 3326, 3327, 3328
  Recovery of debts owed to the U.S. Government....3336
  Sickness and maternity benefits....3333
  Unemployment insurance....3314
Railroad retirement:
  Administration of estates....3335
  Annuity:
    Application....3318
    Dates, beginning and ending....3315
    Eligibility....3317
    Employee and spouse, computation....3313
    Evidence required for payment....3316
    Family relationship....3321
    Reopening decisions....3341
    Social security overall minimum....3323
    Survivor computations....3322
    Waiver....3330
    Withholding payment....3329
  Creditable compensation....3340
  Creditable service....3339
  Debt collection....3334
  Deductions for work....3324
  Disability determinations....3312
  Erroneous payments....3332
  Health insurance....3326, 3327, 3328
  Insurance amount determinations....3337
  Jurisdiction determinations....3320
  Lump-sum payment....3318, 3321
  Reports and responsibilities....3338
  Transfer or assignment of payments....3331
Railroads:
  Abandonment regulations....3855
  Accounts, uniform system of....3845
  Car-hire charges....3823
  Commodities, movement of processed and manufactured....3827
  Commuter rail service....1582
  Conrail....2061
  Demurrage, exemption from regulation....3829
  Economic impact on small entities....1963
  Equipment for storage purposes, leasing of....3854
  Federal-aid highway funds....1884
  Intermodal authority....3844
  International movements, trailers and containers....3834
  Minority business enterprise....1960
  Property, net salvage for depreciable....3849
  Rail connecting tracks....3831
  Rail costing system, uniform....3824
  Rail service, impaired....3844
  Rates, international joint through....3853
  Rates, short notice effectiveness....3856
  Recyclables, cost rate for....3832
  Revenue adequacy, standards....3842
  Revenue and variable cost data....3835
  Safety:
    Accidents/incidents, classification and investigation....1964
    Alcohol and drug use in operation....1962
    Cabooses....1959
    Locomotive cab safety....1957
    Power brakes regulation....1958
    Radio communication....1955
    Rail-highway grade crossing....1961
    Small railroads....1956
  Waybill data, release of....3838

Sequence Number

Range management and improvement....122, 144
Real property acquisition:
  Leasehold interests....3018
  Uniform policies and procedures....151
  Use and disposition standards....172
Reclamation:
  Irrigation, allocation of water....1311
  Performance Standards....1282
Recreation and recreation areas:
  Aircraft....1142
  All-terrain vehicles....3591
  Boating....1147, 1157
  Fishing...1108, 1110, 1114, 1117, 1119, 1121, 1132, 1135, 1141, 1150, 1158
  Horse rental facilities....1112
  Hunting....1120, 1149, 1159
  Hunting on specific National Wildlife refuges....1085
  Migratory bird hunting, nontoxic shot zones....1097
  Migratory bird hunting seasons and limits....1077
  Motor vessels....1138
  Motorboats....1142
  Mountain climbing....1116
  Off-road vehicles....1111, 1115, 1122, 1131, 1308
  Public lands management....1342
  Public nudity regulations....1151
  Public Purposes Act leases....1319
  Residences on National Forest System lands....134
  Ski area development and operation permits....137
  Snowmachines....1142
  Snowmobiles....1111
  Target practice....1139, 1140, 1152
  Ultralight vehicle use....1308
  Use authorizations....1351
  Winter backcountry use....1153
Refugees:
  Aid to families with dependent children....865
  Cash and assistance....874
  Employment services and employment....874
  Health programs....662
  Job search....874
  Medical assistance....874
  Resettlement program....874
  Support services....874
Relocation assistance:
  Environmental response....2977, 2984, 2998
  Expense reimbursements, income tax rate....3053
  Flood plain management....3004
  Job search....1440
  Permanent....2984
  Real estate sale and purchase expense....3079
  Rehabilitation loan program....1012
  Superfund....2977, 2998
  Uniform policies and procedures....151
Reporting and recordkeeping requirements:
  Agricultural cooperative exemption....3843
  Air carrier service segment and charter data....2002
  Airline reporting between pre-deregulation carriers, and post-deregulation carriers....2027
  Archaeological collection, curation of federally-owned....1127
  Archeologic and Historic Preservation Act....1126
  Audiovisual records management....3140
  Bank Secrecy Act Amendments enforcement....2057
  Bank securities transactions....3694
  Bids, report of identical on contracts....3078
  Chemicals, manufacturers and processors of....2717
  Cigarette papers and tubes....2083
  Coal mine accidents, injuries, illnesses, employment and coal production....1463
  Commercial alcohol proprietors....2074
  Construction tests and inspections....1527
  Credit unions....3860, 3866
  Defense related employment....319
  Directs investment surveys, increase exemption levels....168
  Documentation, adequate and proper....3123

Sequence Number

Reporting and recordkeeping requirements—Continued
Drum fishery in Gulf of Mexico....293
Electric utility system emergencies....517
Emergency and hazardous chemical inventory forms....2938
Employee benefit plans....1457
End-stage renal disease services....759
Federal agencies responsibilities....3123, 3167
Federal home loan banks....3742
Financial and operating statistics for large certified air carriers....2022
Firearms dealers....2081
Futures Commission merchants, minimum financial....3578
Games of chance advertising....3817
Groundfish fisheries of Bering Sea and Aleutian Islands....294
Hazardous substances federally permitted releases....2932
International ocean shipping industry....3747
Investment companies financial reporting....4001
Investment company directors and advisers....3991
Investment company reports of directors, officers, and principal shareholders....3975
Investment registered transfer agents....4031
Land records, uranium mill tailings remedial action program....512
Maritime carriers....3752
Maritime carriers record retention....3776
Maritime Commission self policing body....3783
Meat and poultry establishments....100
Mercury emission monitoring, recordkeeping, and reporting requirements....2906
Micrographics records management....3129
Minority-owned foreign affiliates....167
Mortgage insurance, "random audits" mortgagees records of claims....918
Motor carriers of passengers....3840
Motor carriers of property....3836
Motor vehicle insurer theft reporting requirements....1952
Non-multiemployer pension plans....3308
Nuclear material physical inventory summary reports....3933
Nuclear power plants....3916
Nuclear Regulatory Commission required records....3914
Pesticides risk/benefits information....2706
Premerger notification rules and report form....3816
Procurement data system....3034
Public land records....1312, 1346
Rail carriers....3853
Railroad retirement....3338
Recordation of copyrights with Customs....2113
Seals taken as result of seismic exploration on ice in Beaufort Sea....291
Sewage treatment and disposal....2896
Sulfur dioxide emission from fossil fuel-fired steam generators....2898
Taxes due to Puerto Rico and Virgin Islands....2094
Telecommunications employee training....1526
Uniform guidelines on employee selection procedures....2950
VA confidential quality assurance program....3388
VA independent living services program....3430
Waste treatment, storage, and disposal facilities inspections....2802
World-wide real property inventory system....3023
Research:
Biotechnology....53, 2716
Defense Advanced Research Projects Agency....323
Education of the handicapped program....489
Energy financial assistance rules....528
Ethical problems....513
Forestry....147
Grant award policies and procedures, energy....511
Handicapped research fellowship and training program....477
Health....736
Hospitals....539
Human subjects, protection....513, 678, 879
Key Largo marine sanctuary permit requirements....262
Motor vehicle bumpers, pedestrian protection....1913
Natural areas....147
Public Health Service grants....735
Science and engineering misconduct....3153

Sequence Number

Research—Continued
Scientific....237
Statistical research of National Archives records....3133
Revenue sharing....2062
Rice:
Common program provisions....7
Inspection fees for storage warehouses....39
Price support program....26
Supply for domestic and foreign utilization....8, 26
Rights-of-way, National Forest System....149
Royalties:
Collection....1238
Electronic fund transfer....1238
Income sharing....3379
Oil and gas....1237
Rural housing....54, 58, 61

S

Safety:
All-terrain vehicles....3591
Animal drugs....681
Asbestos....3603
Blood and blood products....670, 685
Boats, retail purchasers....1620
Borehole abandonment....1256
Bunk bed standards....3597
Buses....1968, 1969, 1971
Carcinogenic impurities in food and color additives, risk assessment....690
Chemical waste incineration at sea....1676
Child-resistant packaging....3598
Commercial space transportation....1579
Drugs, over-the-counter....668
Federal building....1211
Fireworks....2079
First aid products labeling....3599
Foreign missions....1553
Formaldehyde, wood products made with....3602
Hazardous materials....1980, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2023, 2024, 2025, 2028
Hydrogen sulfide operations....1326
Liquefied natural gas waterfront facility....1679
Motor carrier:
Disqualification of drivers....1836
Drivers written examination....1889
Employee safety and health standards....1840
Federal regulations....1838
Fitness of owners and operators....1872
General....1835
Hazardous materials communication....1841
Hours of service....1869
Inspection, repair, and maintenance....1837
Lighting and marking system....1911
Noise emission standards....1852
Parts and accessories....1839
Railroad grade crossings....1853
Traffic control devices....1865
Truck rear underride protection....1912
Truck size and weight, special permits....1846
Truck size and weight; automobile transporters....1870
Truck size and weight; interpretation and policy statement....1868
Truck size and weight; lane widths....1871
Truck size and weight; trailer lengths....1867
Truck splash and spray suppression devices....1866
Motor vehicles:
Anthropomorphic test dummies....1914
Brake systems....1922, 1923, 1926, 1943, 1945
Bumpers, pedestrian protection....1913
Child seating systems....1947
Compact vans/station wagons....1905
Controls and displays....1937
Crashworthiness ratings....1910
Daytime running lights....1920

Sequence Number

Safety—Continued
Motor vehicles—Continued
Fuel system integrity....1908
Lamps, reflective devices, and associated equipment....1951
Motorcycle helmets....1939
Occupant crash protection....1906, 1946
Rearview mirror systems....1924, 1925, 1942
School bus interior materials....1903
School bus seating systems....1900
Seat belt assembly anchorages....1944
Seating reference point/driver's eye range....1940
Seating systems costs....1901
Splash and spray suppression devices....1915
Steering control rearward displacement....1938
Stopping-distance consumer information....1904, 1941
Tire quality grading standards, uniform....1916
Tire registration....1907
Trailer stability, heavy....1927
Uniform tire quality grading review....1898
Nuclear power plants....3901, 3916, 3935
Nursing homes fire equipment....962
Outer Continental Shelf operations....1247, 1255
Pharmaceuticals, good manufacturing practice....669
Pipeline standards....1982
Public, accidental exposure to radiation....3918
Public, nuclear facilities decommissioning....3917
Radiation, for well-logging operations....3920
Radiographic exposure devices, industrial....3898
Rail-highway grade crossings....1961
Railroads....1955, 1957, 1958, 1959
Television carts, tip-over hazards....3593
Transportation hazardous material....1999
Vessels....1643, 1673, 1678
Savings and loan associations....3734, 3737, 3738
Scallops, Atlantic sea....246, 295
School breakfast program eligibility for free and reduced price benefits....83
School lunch program:
Eligibility for free and reduced price benefits....83
Regulations, rewrite of....85
Schools:
Asbestos reinspection rule....2722
Drug-free....383, 399, 400
Federally-impacted areas....397, 405, 409
Food distribution program....77
Foreign medical, alien graduates....1431
Foreign medical, veterans education....3452
Foreign student enrollment....1382
Indian....402, 403, 1178, 1179, 1203
Indian equalization program....1181, 1182
Maritime....2033, 2052, 2053
Nautical....1633
Public health....733
Vocational and home study, proprietary....3814
Seafood:
Crabs, tanner and King....294
Fish blocks....231
Fish fillets....282
Halibut....294
Marking requirement for interstate and foreign commerce....272
North American freshwater catfish....273
Scallops, Atlantic sea....246, 295
Shrimp....271
Seals and insignia....116, 345, 3096
Seashores:
Canaveral....1151
Cape Hatteras....1115
Fire Island....1125, 1131
Padre Island....1159
Recreation and recreation areas:
Hunting....1159
Off-road vehicles....1115, 1122, 1131
Public nudity regulations....1151
Securities:
Accountants, mandatory peer review of independent....4003

Sequence Number

Securities—Continued
Accounting, full cost method....4019
Acquisition during existence of underwriting syndicate, exemption....3999
Advertising by unit investment trusts....4000
Book-entry securities of GNMA....1015
Broker-dealer examinations....4035
Broker-dealer financial statements....4034, 4036
Broker-dealer loans....4030
Broker-dealer quotations for a security....4037
Broker-dealer registration....3966
Broker-dealer transactions....4024
Chinese Wall exemption....3963
Classification of small issuers....3982
Credit by brokers and dealers....3788
Customer order exposure....4025
Disclosure of rating in registration statements of money market funds....4015
Disclosure requirements....2103, 3959, 3972, 3977, 3990, 4012, 4030
Disclosure of sales of securities....4022
Electronic filing and processing....3978
Exempt securities of foreign countries....3987, 4006
Exemption from registration of certain interests....3969
Federal National Mortgage Association....875
Financial reporting....3973
Foreign, credit by brokers and dealers....3790
Foreign banks....4017
Foreign custodian, eligible....3965
Futures commission merchants....3578
Government Securities Act....2056
Inflation-adjusted information....4002
Information to investors....3962
Investment advisers fraudulent activities....4012
Investment companies....3988
Listing position....3968
Maintenance of investor's funds....4026
Mortgage-backed securities....1016, 2101
Mortgage-related....3970
Multinational securities offerings....3980
Mutual fund governance....3989
National Market System (NMS) designation....4007
Nonmember banks, insured....3689
Oil and gas producing activities....4019
Prospectus delivery requirement....3979, 3983
Prospectus filing procedures....4005
Proxy contests....3960
Proxy rules, conforming amendments....4004
Real estate companies, two-tier....3964
Recordkeeping and confirmations....3694
Records to be preserved by investment companies....4038
Registration of an indefinite number of securities....4014
Registration requirements, exemption....3985, 3986
Registration statements filed by unit investment trusts....3990
Registration with the Securities and Exchange Commission....4020
Reports of investment company director, officers, and principal shareholders....3975
Repurchase agreement transactions....3971
Repurchase agreements....4008
Resales of securities, limited....3981
Review of general rules....3961
Revision of proxy rules....3992
Security holder meetings....4023
Shareholder communications, facilitating....3984
Short Sale definition....4027
Short sales regulation....4028, 4029
Small business surety bond guarantee....3352
Solicitation of proxies....4021
Tender offer rule amendments....3974
Transfer agents, registration of....3697
Underwriters, casualty....3959
Underwriters transactions....4024
Unsafe and unsound practices....3699
Wire transfer systems....3803, 3805

Sequence Number

Security measures:
Adjudication and procedures....3117
Air traffic....1791
Archival records used by the public....3141
Criminal intelligence systems operating policies....1391
Foreign missions....1553
Merchant Marine Academy....2041
Nuclear materials....3941
Onshore oil and gas sites....1329
Remote control security devices....3658
Rental control security devices....3652
Selective service system....3342
Senior Community Service employment program....1430
Shipyard standards:
Access and egress....1514
Hazard communication....1544
Surface preparation and preservation....1523
Signs and symbols, scenic and historic trails....135
Snow surveys....154
Soil surveys on Federal land....153
Soybeans:
Loan program....45
Price support program....45
Space programs:
Agency announcements....3109
Communication satellites, duty-free entry....3120
Environmental quality....3121
Extraterrestrial exposure....3106
Payload specialists....3105
Science flight investigations....3107
Space articles, duty-free entry....3120
Tracking and data relay satellite system....3116
Space science flight investigations....3107
Space Shuttle:
Flight of reimbursable payloads aboard....3095
Services, reimbursement for....3102
Space Transportation System:
Insurance and indemnification of space vehicle users....3112
Space Shuttle, flight of reimbursable payloads aboard....3095
Space Shuttle, reimbursement for services....3102
Spacelab services, reimbursement for....3113
Spacelab....3113
Standards:
Aircraft fire protection requirements....1720
Appliances, energy efficiency....503
Barbeque....104
Biological preparations references....663
Blindness, determining disability....593
Blood and blood products....670, 685
Buildings:
Access to and use by handicapped....2691
Design to accommodate the physically handicapped....170
Bunk beds....3597
Cadmium....2854
Chemicals, glycol ethers....1488
Coal surface mining....1281
Commercial fishing industry size....3356
Community residential care program....3383
Computer technology information processing:
Basic programming language....219
C programming language....225
Cartridge and cassette tape drives....210
Codes for identification of aquifer names and geographic units 202
Codes for identification of States, etc....227
Computer graphics metafile....224
Computer system input/output interface....212
Data descriptive file for information interchange....230
Data encryption....213
Database language NDL....218
Database language SQL....216
Flexible disk cartridge drives and host controllers....211
Generalized markup language....204
Geographic point locations for information interchange....228
Information resource dictionary system....220

Sequence Number

Standards—Continued
Computer technology information processing—Continued
Intelligent peripheral interface....223
Interface between data terminal equipment....221
Internetwork protocol....201, 222
Message transfer protocol....200
MUMPS programming language....229
One-half inch magnetic tape interchange using a self loading cartridge....207
Open systems interconnection procurement....214
Optical character recognition (OCR) dot matrix character sets 217
Programming languages....203
Recorded formats for flexible disk cartridges....208, 209
Recorded magnetic tape cartridge....205, 209
Serial recorded magnetic tape cartridge....206
Session....199
Transport protocol....215
Unix operating system derived environments....226
Construction industry size....3343
Double liner and leachate waste collection system....2837
Electronic records management....3134
Energy performance for new buildings....501, 507
Export trading companies, size standard....3346
Food and color additives....684
Great Lakes bulk dry cargo vessels....1699
Hazardous materials....1999
Hopper dredges....1619
Housing:
Construction....61
Manufactured homes, foundations and sites....977
Manufactured homes....902, 948, 949, 950, 951, 974
Property....908
Housing building products:
Grademarking of plywood....906
Lumber and plywood, pressure treated....978
Mat formed particleboard....911, 980
Polystyrene foam board....979
Roofing membrane, certification....905
Water piping, lead standards....954
Information Processing, Federal....3028, 3080
IRS, tax practitioners....2055
Labor....1414
Manufactured home construction and safety....1001
Meat and meat products....99
Medical ultrasonic equipment....3657
Micrographic records management....3129
Mobile communication services....3659
Mohair and mohair top....1
Motor vehicle passenger car fuel economy....1933
Motor vehicle safety:
Anthropomorphic test dummies....1914
Brake systems....1922, 1923, 1926, 1943, 1945
Bumpers, pedestrian protection....1913
Child seating systems....1947
Compact vans/station wagons....1905
Controls and displays....1937
Crashworthiness ratings....1910
Fuel system integrity....1908
Lamps, reflective devices, and associated equipment....1951
Lighting and marking system....1911
Motorcycle helmets....1939
Occupant crash protection....1906, 1946
Rearview mirror systems....1924, 1925, 1942
School bus interior materials....1903
School bus seating systems....1900
School buses....1935
Seat belt assembly anchorages....1944
Seating reference point/driver's eye range....1940
Seating systems costs....1901
Splash and spray suppression devices....1915
Steering control rearward displacement....1938
Stopping-distance consumer information....1904, 1941
Theft prevention standard, petitions for exemptions....1934

Sequence Number

Standards—Continued
Motor vehicle safety—Continued
Tire quality grading standards, uniform....1916
Tire registration....1907
Trailer stability, heavy....1927
Uniform tire quality grading review....1898
Ocean incineration permit applications....2770
Pain, evaluation of....593
Parks, public use....3287
Pharmaceutical manufacturing point source category....2758
Pizza....101
Plazas, public use....3287
Poison Prevention Packaging Act review....3568
Pork products, imported cured....102
Poultry and poultry products....103
Radiation, protection against....3915
Radiographic exposure devices, industrial....3898
Rail-highway grade crossings....1961
Railroad revenue adequacy....3842
Real estate agencies size standard....3355
Remote control security devices....3652, 3658
Respirator devices....661
Retail and service industry size....3344
Seafood:
Catfish....273
Fish blocks....231
Fish fillets....282
Shrimp....271
Seashore zoning....1125
Shipyards, surface preparation and preservation....1523
Small business size....3347, 3360
Surface coal mine electrical standards....1462
Surface and underground mining....1284
Telecommunications, Federal....3028, 3080
Toys, electrical....3590, 3605
Traffic control devices....1834
Travel agency size....3354
Trucks:
Rear underride protection....1912
Size and weight; trailer lengths....1867
Splash and spray suppression devices....1866
Uranium mill sites, radon....3929
VA home loan credit....3433
Vessels:
Boating safety ventilation....1713
Fuel hose in the fuel system....1710
Safe power....1711
Video games, electronic....3590
Vodka, identity for....2084
Whiskies, identity of straight....2085
Wine and distilled spirits fill....2066
Wine grape varietal designations....2089
Wood products made with urea-formaldehyde resins....3602
Woodstoves, particulate matter emissions regulation....2902
Wool and wool top....2
State Historical Records Advisory Boards....3127
States:
Adoption assistance....563
Alaska land management....1347
Appeal rights as a result of audits of unemployment compensation....1432
Block grants....548, 552, 557
Certification of speed limit enforcement....1568
Checks issued-interest remitted technique....2064
Child welfare services....563
Codes for identification of the States, etc....227
Commercial and Apartment Conservation Service....505
Community development block grant programs....1003
Credit unions....3876
Crime insurance critical....3006
Dependent care planning and development....572
Desegregation of public education....407
Education of the handicapped, training personnel....471
Education of handicapped children, assistance for....463

Sequence Number

States—Continued
Emergency management assistance....2997, 3005
Emergency management education....2981
Emergency response plans....2982
Emergency shelter grant program....1011
Employment security agencies....1416, 1422
Employment services program....482
Energy conservation program....504
Enterprise zone program....1002
Environmental protection....2769, 2940
Food distribution program....77
Food stamp program:
Appeal process....81
Employment and training requirements....87
Quality-control arbitration process....81
Foreign missions, extraordinary protection....1553
Foster care maintenance payments....563
Grant programs, uniform requirements....3130
Grants, uniform administrative requirements....1051
Handicapped children, educational assistance....408
Historic preservation....1143
Housing block grant activities and projects....890
Hurricane preparedness assistance....2994
Independent living rehabilitation services program....483
Indian tribes, delegation of primacy enforcement authority....2785
Job Training Partnership Act audits....1435
Milk program for children....83
Mining waste regulatory program....2798
Old-age, survivors, and disability insurance....619
Public assistance Programs....561
Radiological emergency....2982, 2983
Relocation assistance....2984, 2998
Residential Energy Conservation Service....505
Residential rental rehabilitation program....1008
Resources, policy on priority use....2973
Revenue sharing....2062
School breakfast program....83
School lunch program....83, 85
Sludge management....2741
Student education incentive grant program....462
Student incentive grant program....439
Surface mining....1269, 1301, 1304, 1305
Tax credit reductions and interest on advances....1419
Trade adjustment assistance for workers....1438, 1440
Unemployment compensation....1428
Unemployment insurance quality control program....1429
Uniform requirements for assistance....1028, 3166
Uniform requirements for grants....150
Veterans Homes....3387, 3469
Vocational rehabilitation services program....478, 479, 480
Waters of the United States, definition....2745
Women, infants, and children (WIC), special supplemental....74
Women, infants, and children (WIC), special supplemental food program....75
Young Adult Conservation Corps....146
Youth Conservation Corps....148
Statistics:
Fishery conservation and management, confidentiality....235
Foreign trade....169
Policy directives....3164
Strategic and critical materials:
Civil defense....2968
Cobalt....281
Copper....281
Manganese....281
National Defense disposal....3041
Nickel....281
Stockpiling, National Defense....3041
Stratospheric ozone protection strategy....2874
Sugar beets and sugarcane:
Loans....27, 34
Price support program....27, 34
Sunshine Act....3692, 3732, 3759, 3911

Sequence Number

Supplemental security income program:
Adjudication of disability claims....578
Adjustments in benefits on account of retroactive benefits....591
AFDC program, treatment of lump sum and monthly payments....582
Alaskan Natives....598
Alien deeming, age 18 and....621
Aliens, color of law....614
Appeals council procedure....622
Appeals council review....600
Appeals Council review authority....609
Compliance with Federal law....636
Consultative examinations; medical evidence....588
Continuation of benefits during appeal....633
Continued payment of benefits to persons in vocational rehabilitation programs....643
Decisions by administrative law judges in cases remanded by courts....605
Dependency test for adopted great-grandchildren....645
Disability, blindness, and multiple impairments....638
Disabled, employment opportunities....612
Entities as representative of claimants....613
Fee determination....640
Gainful activity, evaluation guides for determining substantial....611
Income, bills paid....587
Income, unearned....589
Liquid and nonliquid resources and resources determinations....641
Mandatory pass through under State provisions....618
Medical payments to State, rights to third-party....632
Overpayment, limitation on recoupment rate....592
Overpayments, treatment of....635
Payment of costs of rehabilitation services....637
Pension funds for deeming purposes and Grandfathering provisions....642
Permanent residence under color-of-law....631
Presumptive AIDS payment of benefits....629
Presumptive blindness....607
Presumptive blindness payment of benefits....629
Presumptive disability....607
Presumptive disability payment of benefits....629
Prohibition on direct payment of fees to representatives....606
Qualifications of medical professionals evaluating mental impairments....634
Recipients, payment of benefits due deceased....616
Reductions, suspensions, and terminations....620
Rental disease, chronic....607
Reopening and revising determinations and decisions....625
Resource limits for conditional payments....627
Resources, definition of....608
Rotation of administrative law judges, appointed to hear and decide cases....579
Simplified fee process for representatives of claimants....575
Spousal deeming computation involving State supplementation 603
State supplementation, optional....644
Support and maintenance assistance....646
Support and maintenance assistance based on need, disregarding 650
Treatment of proceeds for home equity conversion plans as income....580
Treatment of property held in trust....595
Underpayments, exclusive of....647
Use of work evaluations to evaluate individuals with mental impairments....601
Surveys:
Airline passenger origin-destination....2027
Direct investments abroad....168
Foreign direct investment in the United States....164
International trade in services....163
Selected services transactions with unaffiliated foreign persons 166
Snow....154
Snow surveys....154
Soil....153
U.S. direct investments abroad....167
U.S. trade in services with foreign persons....165

Sequence Number

T

Taxes:
Accounting for long-term contracts....2130
Administration and procedure....2361, 2516
Aliens, non-resident....2138
Allowance of deductions....2403
Alternative minimum tax....2166
Amortization of pollution control facilities....2573
Annuities, nondiscrimination....2221
Annuities....2539
Assessable penalties....2353, 2354
Backup withholding on interest and dividends....2322, 2323
Backup withholding on reportable payments....2486
Banking....2255, 2451
Below-market loans....2525
Bonds, qualified 501 (c) (3)....2125
Bonds, State volume cap for tax-exempt....2124
Bonds, tax-exempt, arbitrage restrictions....2192, 2393
Bonds, tax-exempt information reporting....2193, 2394
Bonds, tax-exempt for residential rental projects....2190
Bonds and other debt instruments....2296, 2297, 2472, 2575, 2623, 2670
Bonus payments, reporting of....2123
Branch profits tax....2277, 2459
Capital cost recovery....2398, 2572, 2578
Capital gain....2294
Cash or deferred arrangements....2218
Cash method of accounting....2238
Change in accounting method....2611
Charitable contributions....2574
Charitable contributions deduction....2200
Church, integrated auxiliary....2338
Conrail common stock....2061
Consolidated returns....2308, 2476
Contracts from Federal executive agencies....2157
Corporate alternative minimum tax book income adjustment....2168
Corporate income tax....2181, 2185, 2204, 2209, 2213, 2290, 2304, 2309, 2310, 2311, 2368, 2409, 2410, 2411, 2412, 2415, 2416, 2417, 2422, 2423, 2434, 2473, 2477, 2478, 2519, 2536, 2581, 2583, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2647, 2648, 2649, 2650
Corporations, Guam, Samoa or CNMI....2139
Corporations....2346
Cost recovery system, modification of accelerated....2128
Credits....2370
Customs limitation on property imported from related persons 2149
Deductibility of transportation expenses....2565
Deduction for charitable contributions....2400
Deduction--depletion....2624
Deferred compensation....2374
Definitions....2524
Definitions relating to the fair market value of property....2681
Depletion deductions....2256, 2452
Depreciation....2408, 2570, 2642
Diesel Fuel....2324
Disclosure of information....2678
Distilled spirits plants....2094
Distilled spirits products....2067, 2070
DOD foreign tax relief program....346
Domestic relations....2377
Dual resident companies....2151
Election and due date statements....2413
Elections, temporary regulations....2530
Employee benefit plans....2173, 2231
Employee plans....2171, 2216, 2217, 2222, 2224, 2225, 2227, 2228, 2230, 2233, 2234, 2235, 2236, 2253, 2321, 2339, 2389, 2390, 2401, 2402, 2425, 2426, 2427, 2428, 2429, 2430, 2432, 2433, 2435, 2523, 2531, 2540, 2541, 2563, 2564, 2596, 2597, 2598, 2599, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2621, 2640, 2654, 2663
Employer matching contributions....2220
Employment taxes....2402, 2488, 2498, 2509, 2510
Employment taxes-church FICA elections....2317

Sequence Number

Taxes—Continued
Energy tax credit....2371
Entity leasing, tax-exempt....2126
Environmental....2329
Environmental taxes....2661
Estate tax....2257, 2258, 2312, 2313, 2401, 2479, 2480, 2482, 2483, 2652, 2653, 2655
Excise tax....2153, 2154, 2325, 2326, 2327, 2329, 2331, 2333, 2334, 2336, 2342, 2402, 2433, 2489, 2490, 2491, 2492, 2604, 2658, 2659, 2660, 2661, 2662
Exclusions from income....2187, 2392, 2562
Exempt organizations....2237, 2254, 2330, 2331, 2332, 2389, 2450, 2563, 2599, 2600, 2606, 2618, 2619, 2620, 2622
Foreign captive insurance companies....2147
Foreign conventions....2206
Foreign corporations, untimely filing....2276
Foreign corporations....2138
Foreign governments, tax subsidy....2281
Foreign liquidations and reorganizations....2212, 2420
Foreign tax....2144, 2464, 2636
Foreign tax credit limitations....2143, 2282
Foreign-owned corporations....2155
Gain or loss on disposition of property....2641
Generation skipping transfer tax....2656
Gift taxes....2312, 2313, 2401, 2402, 2479, 2480, 2652, 2653, 2655, 2656
Golden parachute payments....2208
Highly compensated employee, definition....2232
Hospital insurance interest-free adjustments....2511
Housing corporations, cooperative....2203
Housing credit, low-income....2164, 2366
Incentive stock options....2436
Income tax:
Accounting....2197, 2207, 2239, 2240, 2241, 2242, 2243, 2247, 2250, 2352, 2391, 2404, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2447, 2517, 2518, 2543, 2582, 2612, 2613, 2614, 2615, 2644, 2645, 2666
Annuities....2172
Asset acquisitions....2291, 2467
Assets, installment sale method....2414
Basis of property....2639
Beneficiary, mortality tables to be used....2175, 2378
Benefit accrual beyond normal retirement age....2229
Bus operating authorities....2159
Business energy credit for equipment....2372
Cash-outs under retirement equity....2431
Charitable contributions....2199
Children, unearned of minor....2160
Corporate net operating loss deduction....2214, 2215, 2424
Corporations....2329
Credit, earned income....2162, 2163
Credits....2528
Deductions....2201, 2568
Deferred compensation plans....2244
Earned income credit....2161
Estate tax-employee stock ownership plan....2223
Faculty housing, treatment of....2186
Foreign governments....2278
Fringe benefits....2375, 2406
General business credit....2529
Individual....2514, 2538
Individual retirement accounts....2217
Interest, nonbusiness limitations on deductions....2196, 2396
Interest and dividends of 80-20 companies....2135
International organizations....2278
Intragrated plans, nondiscrimination rules....2219
Life activities, profitable and loss....2307
Like-kind exchanges....2289
Medical expenses....2580
Methods of accounting....2131, 2132, 2245, 2246, 2448
Ocean activities, income source rules....2272
Orphan drug credit....2365
Partner's distributive shares....2628
Partnership returns....2674
Pollution control facility, definition of property....2385
Private activity bond, definition....2189

Sequence Number

Taxes—Continued
Income tax—Continued
Private foundations and tax-exempt organizations....2515, 2679
Prizes and awards....2188
Property, gain or loss....2210
Property and casualty insurance companies....2134, 2271
Real estate mortgage investment conduits....2360
S Corporations....2305
Shareholders, S corporations....2668
Space activities, income source rules....2272
Straddles....2292, 2397, 2468, 2469
Student loan bonds....2191
Telecommunications activities, income source rules....2272
Trade or business expenses....2194
Transportation income....2140
Trust and estates....2259
Tuition reductions....2184
Vesting standards, minimum....2226
Income taxation of estates....2625
Income taxation of trusts....2257, 2258, 2260, 2626, 2627
Indebtedness treated as payment....2328
Individual estimated tax....2667
Individual income tax....2319
Individual income tax credit....2362
Individuals, alternative minimum....2167
Industrial development bonds....2552
Information reporting....2502
Information returns....2503, 2504, 2673
Insurance, mortality and morbidity tables....2269
Insurance....2455, 2542, 2631
Intangible drilling costs....2470
Intangibles, transfer of....2211
Interest deduction limitations....2127
Interest expense, capitalization of....2129, 2150
Interest rates, differential....2351
Interest-free adjustments....2343
International tax....2142, 2273, 2274, 2275, 2279, 2280, 2283, 2284, 2285, 2286, 2287, 2288, 2293, 2356, 2359, 2418, 2419, 2421, 2458, 2460, 2461, 2463, 2475, 2521, 2569, 2634, 2635, 2637, 2638, 2646
Inventories....2252, 2449, 2616, 2617
Inventory costs, capitalization and inclusion....2205, 2481
Investment companies....2156
Investment tax credit, service contracts....2358
Investment tax credit....2165, 2367, 2369, 2373, 2408, 2532, 2533, 2534, 2535
IRS, due diligence standards for tax practitioners....2055
Itemized deductions, 2-percent floor....2170, 2376
Itemized deductions....2579
Items not deductible....2584, 2585
Leasing....2399, 2571
Life insurance....2270, 2630, 2633
Life insurance companies....2456, 2457
Life insurance products....2174
Limitations on deductions....2405, 2407
Magnetic media, returns required on....2499
Magnetic media....2665
Medicare....2318
Merchant Marine Act of 1936....2526, 2651
Minimum tax....2169, 2537
Ministers, exemption from self-employment....2306, 2474
Nationalized companies, statute of limitations....2462
Net capital losses....2156
Net operating losses....2576, 2577
Non-beverage products....2070
Nontaxable exchanges....2466
Original issue discount....2671
Overpayments, reduction of....2158, 2349
Partnership audit....2513
Partnership information, nominee reporting....2337, 2501
Partnership items....2512
Partnership taxation....2261, 2262
Partnerships....2263, 2265, 2266, 2268, 2629
Partnerships taxable years....2264, 2454

Sequence Number

Taxes—Continued
Passive activity, limitations on losses and credits....2251
Payee statements, penalties....2355, 2520
Payee underreporting....2487
Pensions, capitalization of certain....2314
Pensions....2234, 2430, 2596
Percentage depletion....2453
Procedural rules, statement of....2121, 2122
Procedure and administration....2331, 2347, 2348, 2350, 2357, 2401, 2402, 2513, 2522, 2668
Procedure and administration-Subchapter S....2345
Property, extension of at risk limitations to real....2249
Property, replacement-retirement-betterment....2198
Property....2148
Property sales, source rules for personal....2137
Puerto Rico, reporting taxes due to....2094
Railroad retirement....2484, 2657
Real estate investment trusts....2153, 2156, 2632
Real estate transactions, information reporting....2340, 2669
Recovery of tax benefit items....2182
Refund deduction program....894
Reporting and recordkeeping requirements....2505, 2506, 2672
Resident status, information regarding....2152
S Corporations....2298, 2299, 2300, 2301, 2302, 2303, 2305, 2643
Scholarships and fellowships, exclusion....2183
Shareholders, use of deficits....2146
Social security tax....2315, 2316, 2484
Source income, exclusion of possession....2139
Start-up expenditures....2202
State credit reduction....1419
Statement of procedural rules....2527
Statement of procedural rules - partnership audit....2344
Straddles--hedging....2295, 2471
Tax exempt bonds....2176, 2177, 2178, 2179, 2180, 2363, 2364, 2379, 2380, 2381, 2382, 2383, 2384, 2386, 2387, 2388, 2465, 2545, 2546, 2548, 2549, 2550, 2551, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561
Tax exempt obligations....2544, 2547
Tax shelters....2248, 2446, 2508, 2675, 2676, 2677
Taxation of partnerships....2267, 2341, 2500
Tentative refunds....2680
Tip reporting....2507
Trade or business expenses....2566, 2567
Transportation income, gross....2141
Transportation income....2136
Virgin Islands, reporting taxes due to....2094
Virgin Islands taxes....2145
Windfall profit tax....2335, 2493, 2494, 2495, 2496, 2497, 2664
Wine Impact Bill....2067
Withholding exemption certificates....2320, 2485
Withholding institutions, bad debt reserves....2133
Telecommunication Standards, Federal....3028
Telecommunications:
Public....551
Public facilities program....296
Record of employee training....1526
Update of Government-wide policies and procedures....3025
Telecommunications Standard, Federal....3080
Territories, U.S....1585
Territories of the Pacific Islands....1601
Three Mile Island....3936
Timber sales:
Contractors, debarment and suspension....138
Control of skewed bidding....124
Periodic payments....120
Tobacco:
Acreage allotments....17
Manufacturer's identification on packages....2082
Marketing agreements....48, 49
Marketing quotas....17, 24, 25, 33, 37
Marketing year penalty rates....38
Price support....13, 44
Price support program....24, 25, 37, 49
Supply for domestic and export use....33

Sequence Number

Toxic substances control:
Access to employee exposure and medical records....1530
Acute air toxicants....2922
Antimicrobial pesticides toxicology data requirements....2710
Asbestos products....2733
CAG carcinogens....2826
Carcinogens, potential....2925
Chemical release reporting rule....2712
Chemicals list....2717
Ethylene oxide....1493
Experimental use permits....2699
Food additive tolerances....2694
Glycol ethers....1488
Good laboratory practice standards....2696, 2714
Industrial wastewater dischargers standards initiatives....2748
Leather tanning wastewater discharges....2762
Methylene chloride....1524
Microbial products of biotechnology....2716
Occupational exposure in laboratories....1491
PCBs in electric transformers....2724
Pesticides....2826
Reporting requirements....2736
Specific significant new use rules....2731
Toxic substances, chronically....2925
1,3-Butadiene....1521
Toys, electrical....3605
Trade adjustment assistance for workers....1438
Trade practices, unfair....197
Trademarks:
Applications, foreign....302
Applications....310
Automated search system....306
Hearings and appeals....309
Registration, foreign....302
Training:
Emergency management....2981
Maritime schools....1633
Military simulators and devices....329
Nonmilitary economic development programs....3089
Veterans....3394, 3404, 3422, 3451, 3473, 3476, 3480
Vocational and home study, proprietary....3814
Transportation:
Accessible design, guidelines and requirements....2689
Agriculture products, movement between inspection facilities....91
Air quality procedures....1847
Bill of lading, revision of standard form....3040
Bill of lading....3039
Buy America requirements....1973
Commercial space....1579
Commuter rail service....1582
Equal employment opportunity....1966
Gas gathering line definition....1982
Grants to U.S. Territories....1585
Hazardous materials....1980, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1999, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2023, 2024, 2025, 2028, 3906
Maintenance of equipment and facilities....1965
Major capital investment projects....1967
Nuclear material, shipping and packaging requirements....3956
Penalty procedures for non-compliance with reporting requirements....1977
Private enterprise participation....1978
Radioactive material....3906
Relief device capacity....2030
Safety....1958
Space system....3095, 3102, 3112, 3113
Transmission line repair....2031
Urban mass....1965, 1966, 1967, 1970, 1973, 1974, 1975, 1976, 1977
Water....2049
Travel:
Change in regulations....3050, 3052, 3053, 3054, 3079
Contractors, government....531
Government aircraft....3049

Sequence Number

Travel—Continued
Increase in mileage rate....3052
Military emergency warrants....3022
Official station change expenses....3056
Per diem....3054
Public voucher form revision....3037
Relocation expenses....3053, 3079
Rental cars....3049
Subsistence allowance....3407
Voucher schedule form revision....3038
Treaties:
International Patent Cooperation Treaty....304
Migratory bird management, U.S. and Canada....1096
Trucks:
Lighting and marking system....1911
Particulate emission standards....2879
Rear underride protection....1912
Rocky Mountain National Park regulations....1118
Size and weight:
Automobile transporters....1870
Interpretation and policy statement....1868
Lane weights....1871
Reasonable access....1831
Special permits....1846
Trailer lengths....1867
Splash and spray suppression devices....1866
Turtles, endangered sea....247

U

Unemployment assistance:
Canal Zone....1422
Disaster assistance....1422
Trade adjustment assistance for workers....1438
Virgin Islands....1422
Unemployment compensation:
Administrative appeal rights for States....1432
Administrative financing system....1416
Ex-servicemembers....1420
Federal-State extended benefits....1428
Insurance quality control program....1429
State tax credit reduction....1419
Use of funds transferred to states....1421
University centers program....180
Uranium enrichment process....514
Uranium fuel cycle impacts....3929
Uranium hexafluoride packaging....2016
Uranium imports from South Africa....3957
Uranium recovery field office....3948
Uranium tailing sites....2773
Urban development action grant program....1006
Urban mass transportation...1965, 1966, 1967, 1970, 1973, 1974, 1975, 1976, 1977, 1978
Utilities:
Annual charges for electric....3717
Calculation of cash working capital allowance for public....3721
Colorado River irrigation project....1198
Corporate income tax rate....3716
Electric, construction work in progress....3725
Electric Consumers Protection Act....3710
Generic rate of return proceeding....3730
Hydroelectric....3710
Longitudinal use of freeway right-of-way....1874

V

Vessels:
Accommodations, rails and guards....1688
Alcohol and drug testing....1614
Anchorage area regulations....1685
Arrival, advance notice....1672
Asbestos prohibition....1654
Automated vital systems....1682
Automatic radar plotting aids, training....1608
Berwick Bay vessel traffic service....1693
Boating safety ventilation standards....1713

Sequence Number

Vessels—Continued
Bridge permits....1683
Bridge-to-bridge radiotelephone communications on the Great Lakes....1616
Cargo....2036, 2040, 2045, 2051
Cargoes, compatibility of....1694
Carrying bulk liquefied gases....1678
Certification of seamen....1644
Chemical waste incineration at sea....1676
Claims and lawsuits....3280
Coast Guard services user fees....1604
Commercial, operating while intoxicated....1612
Construction, ship alteration and repair contracts....162
Cooking fuels....1687
Cooperative traffic management system regulations....1714
Damage stability and flood protection standards....1699
Davit and winch approval requirements....1668
Disembarkation ladder approval requirements....1665
Distress signal approval requirements, pyrotechnic....1664
Documentation, controlling interest....1686
Documentation, transfer or charter....2048
Documentation....1715
Domestic offshore trades, financial reporting....3763
Drydocking and tailshaft examinations....1673
Electrical engineering regulations....1649
Emergency drinking water and food approval....1663
Fairway systems....1603, 1702
Fire detection and alarm systems....1647
Fire extinguishers....1660
Fire extinguishing systems on uninspected....1618
Fire protection regulations....1634
Fire protection and security of liquefied natural gas....2026
Fish processing, uninspected....1610
Fish processing and fish tender....1609
Flashlights, approval specifications....1630
Flotation device components, personal....1640
Flotation devices personal....1626
Foreign, safety of U.S. observers....252
Fuel hose in the fuel system standard....1710
Fuel system standard....1695
Great Lakes bulk dry cargo....1699
Great Lakes Pilotage rates....1696
Hawaiian Exclusive Zone....278
Hazardous material transportation statutory citations....1651
Hazardous materials, stores and supplies to offshore structures 1636
Heald Bank cutoff safety fairway....1692
Hopper dredges, stability standards....1619
Hydraulic device release approval requirements....1667
Hydrostatic testing of pressure vessel type cargo tanks, intervals for examination....1648
Inflatable life jackets, carriage and operational requirements....1691
Inland waterway navigation regulations....1645
Inspection intervals and drydocking intervals....1650
Inspection review delegation of authority....1646
Insurance....2037, 2047
Launching devices for liferafts....1681
Liability insurance for personnel of foreign missions....1549
Licensing of officers, etc....1675, 3281
Life jacket approval requirements....1661
Life jackets light approval requirements....1671
Lifeboat and rescue boat approval requirements....1662
Lifebuoy approval requirements....1670
Liferaft approval requirements, inflatable....1666
Liferafts, inflatable....1623, 1625
Lifesaving equipment, immersion suits....1708
Lifesaving equipment....1704
Lifesaving equipment regulations....1641
Liquefied gas....1632, 1679
Load lines....1656
Maneuvering performance regulations....1624
Marine engineering regulations....1635
Marine portable tanks....1639
Marine terminal agreements....3768

Sequence Number

Vessels—Continued
Merchant, breathing apparatus....1653
Military explosives regulations....1607
Navigation bridge visibility....1659
Navigation regulations, Gulf of Mexico Intracoastal Waterway....1716
Navigation system, U.S. aid to....1655
North American Datum of 1983....1677
Noxious liquid substances, pollution prevention....1701
Offshore evacuation procedures....1658
Offshore supply....1628
Oil and chemical wastes, reception facilities....1700
Oil pollution prevention....1652
Oil transfer operations, tankerman requirements....1615
Oil-water interface detectors....1637
Passenger, financial responsibility for non-performance....3757
Personal flotation devices, inflatable....1680
Pilotage, Panama Canal....3280
Pilots, licensing of....1638
Piping systems, obsolete....1621
Pollution prevention....1629
Pollution prevention regulations....1690
Puget Sound traffic service....1709
Puget Sound traffic system....1714
Radar reflector approval requirements....1669
Reception facilities, certification of chemical waste....1712
Recreational, operating while intoxicated....1613
Reporting requirements....1698
Safe power standard....1711
Safety laws....1705
Safety rules, hazardous liquids....1643
Safety/security zone regulations....1684
Scientific research....237
Seizure and forfeiture of alien....1373
Self-elevating offshore service and support vessels....1605
Shipper's export declaration....169
Sport boat classification....1711
Traffic management for Pacific region....1674
Whales, regulations governing the harassment of humpback....278

Veterans:
Agency definitions....3440
AIDS....3417
Appeals regulations....3434, 3481
Beneficiaries, certification of continued eligibility....3460
Beneficiaries, procedural due process....3415
Benefits, apportionment to dependents....3454
Benefits, conditions of direct payment....3397
Benefits, definition of fraud....3453
Bereavement counseling to immediate family....3390
Burial benefits....3398, 3399
Claims....3419
Community nursing home care....3382
Community residential care....3383
Deafness handicap....3384
Debt collection....3482
Diplopia (double vision) evaluation....3418
Disabled....1405
Diseases, systemic....3417
Education:
Apprenticeship....3429
Benefits, nonduplication of....3477
Certifications of enrollment....3451
Deficiency course measurement....3455
Dependents assistance and benefits....3425
Disenrollment....3412
Effective date of refund....3475
Entitlement, computation....3404
Entitlement charges for overpayment....3426
Entitlement transfer to dependents....3427
Equal opportunity....3413
Flight training....3476
Foreign medical schools....3452
High school diplomas....3457
Job Training Act....3480
Loans in default....3478

Sequence Number

Veterans—Continued
Education—Continued
New programs....3396
Nonpunitive grades....3428
On-job training....3429
Outreach program....417
Selected reserve....3395
Vietnam era G.I. Bill....3425, 3475
Employment services....3401
Estate disposition....3400
Fiduciaries for beneficiaries of VA benefits....3393
Flight training....3476
General Counsel opinions....3438
Group Life Insurance....3403
Guaranteed loan foreclosures....3392
Health care copayments....3471
Home loan credit standards....3433
Housing rehabilitation loans....982
Independent living services program....3430
Insurance....3398, 3470
Insurance eligibility....3403
Legal custodians, investments by....3399
Legal custodians, payment to....3398
Loan guaranty....3402, 3456, 3479
Manufactured homes, dealer contracts....3431
Manufactured homes, loans to purchase....3432
Medical care:
Contract private hospital care....3391
Nonservice-connected, reimbursement....3470
Philippines....3385
Medical disorders....3459
Medical reports as informal claims....3416
Mental health services....3390, 3468
Monetary rates....3414
Mortgage insurance qualification-eligibility....982
Mortgage life insurance....3409
National Services Life Insurance....3410
Nondiscrimination and affirmative action....1405
Pension recipients....3394
Personal funds and effects, disposition of....3386
Property, acquisition of....3392, 3469
Public access to records....3445
Readjustment counseling....3468
Records and documents, confidential quality assurance program....3388
Separation pay....3416
Service-acceptability of photocopies....3458
State nursing homes....3387, 3469
State training programs....3422
Subsistence allowance, for dependents....3405
Telecaption television decoders....3384
Transportation of claimants and beneficiaries....3472
Unclaimed property, disposition of....3386
Unemployment compensation for ex-servicemen....1420
Vietnam era....1405, 3446, 3468
Vocational Rehabilitation Panel....3424, 3474
Vocational rehabilitation program....3408, 3411, 3423
Vocational rehabilitation and training....3394, 3473
Vietnam era veterans....1405, 3425, 3446, 3468, 3475
Virgin Islands....2094, 2145
Viticultural areas, American....2068
Vodka, standard of identity....2084
Volunteers:
Foster Grandparent Program....2687
Senior Companion Program....2686
Voting rights....1361, 1362

W

Wages:
Adverse effect wage rate....1433, 1434
Labor standards provisions....1398
Minimum and overtime provisions....1399
Records to be kept by employers....1407
Semi-skilled workers....1398

Sequence Number

Warranties:
Informal dispute settlement procedures ... 3811
Mobile homes sales and services ... 3820
Pre-sale availability of written terms ... 3821
Vehicle voluntary aftermarket parts certification ... 2911
Washington Airports, Metropolitan ... 1740, 1797, 1818, 1821, 1822
Washington Dulles Airport, Metropolitan ... 1740
Waste treatment and disposal:
Accidental releases information ... 2928
Closure requirement and corrective actions ... 2809
Coal mines ... 1280
Commercial chemical products consisting of a single active ingredient ... 2839
Copper forming wastewater dischargers ... 2744
Corrective action program ... 2836
Crude oil, natural gas, and geothermal energy ... 2794
Discharge pretreatment regulations ... 2768
Domestic sewage study ... 2739
Double liner and leachate collection system rule ... 2837
Emergency access to low-level sites ... 3905
Experimental facilities conducting research and development, permits ... 2813
Fees for disposal of Energy defense high-level wastes, basis of ... 515
Flood plain and seismic restrictions ... 2808
Groundwater monitoring codified guidance of hazardous constituents ... 2832
Groundwater monitoring data for hazardous waste ... 2812
Hazardous household waste or generator waste, Facilities for ... 2803
Hazardous waste characterization studies ... 2824
Hazardous waste land disposal restrictions for solvents ... 2844
Hazardous waste liquids in landfills, containerized ... 2823
Hazardous waste management ... 2801
Hazardous waste toxicological evaluations ... 2824
Incineration-at-sea site designations (North Atlantic and Pacific) 2752
Incinerator stack monitoring for hazardous waste ... 2827
Incinerators, emission controls for hazardous waste ... 2811
Industrial discharges of hazardous or toxic pollutants ... 2748
Land disposal:
Facilities technology requirements ... 2834
Liner and detection regulation ... 2806
Land disposal facilities with ground water releases ... 2836
Land disposal restrictions ... 2799
Landfill surface impoundment ... 2825
Leather tanning wastewater dischargers ... 2762
Location standards for facilities ... 2808
Mandatory inspection at treatment, storage, and disposal facilities ... 2802
Mining waste regulatory program ... 2798
Natural resources claims procedures ... 2933
Ocean disposal of sewage sludge ... 2749
Ocean dumping ... 2751, 2770
Ocean incineration ... 2770
Ore mining and dressing wastewater discharges ... 2743
Organic chemicals, plastics, and synthetic fibers ... 2756
Owners/operators financial responsibility for corrective action 2831, 2845
Owners/operators liability storage standards ... 2833
Pesticides, guidelines on disposal and storage of ... 2701
Petroleum refinery wastewater systems volatile compounds emissions ... 2865
Phthalates discharges ... 2740
Polychlorinated biphenyls discharges ... 2761
Radioactive waste standards, low-level ... 2771
Radioactive waste substances ... 535
Restriction of land disposal of halogenated organics ... 2835
Rubber asphalt guidelines ... 2847
Rubber processing wastewater discharges ... 2760
Scrap tires ... 2847
Sewage sludge use and disposal ... 2749
Sewage treatment plants reporting and recordkeeping requirements ... 2896
Sewer systems ... 2750
Sludge management ... 2741
Small quantity generator accumulation tanks ... 2828

Sequence Number

Waste treatment and disposal—Continued
Soil and debris, hazardous ... 2796
Solid waste disposal facilities classification ... 2803
State authorization codification rule ... 2842
State program capability requirements ... 2817
Statistics for detecting groundwater contamination, monitoring, and standards issues ... 2807
Stormwater discharge requirements ... 2767
Technical assistance grants ... 2921, 2934
Technical standards for corrective action ... 2810
Toxic waste, liability for ... 186
Treatment, storage, and disposal facility area source air emissions ... 2886
Underground, injection of hazardous waste prohibition ... 2793
Underground storage tanks ... 2822, 2848
Underground storage tanks leak detection, prevention, and closure ... 2820
Underground storage tanks program for States ... 2821
Waste pile closures ... 2825
Water pollution control:
Acrolein ... 2756
Aluminum, primary and secondary ... 2763
Aqueous hazardous waste discharge to sewers ... 2739
Certification requirements of the Clean Water Act ... 3727
Construction grants regulations ... 2755
Contaminant levels in drinking water ... 2780
Contaminant levels for volatile organic chemicals found in drinking water ... 2789
Copper forming wastewater dischargers ... 2744
Deepwell injection of hazardous waste ... 2777
Denial or restriction of disposal sites ... 2940
Discharge pretreatment regulations ... 2768
Dredge and fill program by States ... 2769, 2940
Effluent guidelines:
Adhesives and sealants ... 2742
Gum and wood ... 2759
Industrial wastewater dischargers of hazardous or toxic pollutants ... 2748
Leather tanning wastewater dischargers ... 2762
Nonferrous metals ... 2763
Offshore oil and gas extraction industry ... 2757
Ore mining and dressing (placer mining) ... 2743
Organic chemicals, plastics, and synthetic fibers ... 2756
Pharmaceuticals ... 2758
Plastics molding and forming (phthalates) ... 2740
Polychlorinated biphenyls discharges ... 2761
Pulp, paper, and paperboard ... 2761
Rubber processing ... 2760
Ethylbenzene ... 2756
Hazardous pollutants:
Industrial wastewater dischargers standards initiatives ... 2748
Leather tanning wastewater dischargers ... 2762
Hazardous waste permit program ... 2753
Hydroelectric licensing ... 3727
Incineration-at-sea site designations (North Atlantic and Pacific) 2752
Inorganic and organic compounds and microbiological contaminants and turbidity ... 2778
Lead in plumbing, ban on ... 2786
Lead in water piping ... 954
Mandatory inspection at treatment, storage, and disposal facilities ... 2802
Metals ... 2756
Navigable waters, hazardous substances pollution prevention ... 2765
Ocean dumping ... 2751, 2770
Ocean incineration ... 2770
Ocean incineration and dumping regulations ... 2751
Oil discharge ... 2766
Phenols ... 2756
Pretreatment regulations, definitions for passthrough and interference ... 2764
Radionuclides, contaminant level in drinking water ... 2779
Save Drinking Water Act, notice requirements for citizen suits under ... 2945

Sequence Number

Water pollution control—Continued
- Sewage sludge use and disposal....2749
- Sludge management....2741
- Stormwater application requirements....2767
- Toxic pollutants:
  - Adhesives and sealants....2742
  - Industrial wastewater dischargers standards initiatives....2748
  - Leather tanning wastewater discharges....2762
- Tungsten subcategories....2763
- Underground injection control on Indian lands....2784
- Underground injection control program....2787
- Vessels, international convention for prevention....1690
- Vinyl chloride....2756

Water resources:
- Acreage limitation for water supplied to leased land....1310
- Aquatic resources....340
- Deepwell injection of hazardous waste....2777
- Estuarine protection....2747
- Filtration of surface drinking water supplies....2781
- Flood disaster protection....976
- Flood plain management....880, 2988
- Ground, protection from hazardous wastes....3921
- Groundwater contaminating pesticides....2697
- Groundwater protection standards....2773
- Hazardous waste permit program....2753
- Hazardous waste pretreatment regulations....2746
- Improve water quality....46
- Indian primacy regulation....2785
- Lake management and restoration....2747
- Lead in plumbing, ban on....2786
- Mining permits, hydrologic impacts....1277
- National primary drinking water regulation....2781, 2782, 2790
- Project permits, Corps of Engineers....337
- Public water supply supervision program....2783, 2791
- Public water system supervision program....2785, 2786
- Safe drinking water....2783, 2787, 2791
- Supply forecast program....154
- Underground injection control program....2785, 2787
- Water quality planning and management standards....2747
- Water supplies, National Forest lands....121
- Waters of the United States, definition....2745
- Wetlands, protection....880

Water supply:
- Contaminant level of radionuclides in drinking water....2779
- Contaminant levels, recommended maximum....2780
- Contaminant levels for volatile organic chemicals found in drinking water....2789
- Contaminants in drinking water....2782
- Disinfectants and disinfection by-products....2780
- Filtration of surface drinking water supplies....2781
- Groundwater contaminating pesticides....2697
- Groundwater hazardous constituents for monitoring....2815
- Groundwater monitoring....2803
- Groundwater monitoring codified guidance of hazardous constituents....2832
- Groundwater monitoring for hazardous waste....2812, 2827
- Groundwater protection standards....2773
- Groundwater protection strategy....2754
- Indians, primacy enforcement authority....2785
- Inorganic and organic compounds, monitoring drinking water....2778
- Lead in plumbing, ban on....2786
- Microbiological contaminants, turbidity, and radionuclides, monitoring drinking water....2778
- National primary drinking water regulation....2781, 2782, 2790
- Property standard for housing....908
- Public water supply supervision program....2783, 2791
- Public water system supervision program....2785, 2786

Sequence Number

Water supply—Continued
- Safe drinking water....2782, 2783, 2787, 2788, 2790, 2791
- Statistics for detecting groundwater contamination, monitoring, and standards issues....2807
- Underground injection control program....2785, 2787

Waterways:
- Hazardous substances pollution....2765
- Oil spills beyond continuous zone to ocean waters....2766
- Panama Canal licensing of officers....3281

Weapons, nuclear....509
Western Pacific Region....245, 292
Wetlands:
- Conservation programs....30
- Environmental protection....1893, 2769, 2940
- Management....3121
- Protection....880, 3004

Whales, regulations governing the harassment of humpback....278
Wheat:
- Common program provisions....7, 31
- Price support program....29
- Supply for domestic and foreign utilization....9, 29

Wildlife:
- Animals and birds, humane and healthful transport....1086
- Conservation....113
- Corps of Engineers counterpart regulations....336
- Critical habitat designation....1093
- Endangered and threatened....140, 242, 247, 1080, 1088, 1089, 1090, 1091, 1092, 1093, 1298
- Import and export marking and labeling....1087
- Improve habitat....46
- Injurious mitten crabs....1079
- License fees....1101
- Marine mammals....275, 291, 1081, 1095
- Marine sanctuary program....262, 263, 264, 265, 268, 269, 279
- Migratory birds....1077, 1078, 1096, 1097
- Monuments....1102, 1103
- Nontoxic shot zones for, hunting waterfowl....1097
- Protection....1148
- Raptor propagation and falconry regulations....1083
- Refuges, prohibition of surface coal mining....1272
- Refuges....1084, 1085, 1098, 1100
- Trapping activities....1148

Wills, registry of information about execution of international....1546
Wine:
- Estate bottled requirements....2072
- Grape harvest, late designations....2071
- Imported, estate bottled....2072
- Labeling and advertising....2068, 2069, 2073, 2075, 2087
- Non-generic designations of grape....2075
- Production and treatment....2088
- Recodification of regulations....2086
- Taxes....2067
- Viticultural areas....2068
- Wine grape varietal designations....2089
- Wine making terminology....2090

Women, infants, and children, food program (WIC)....74, 75
Women's Educational Equity Act....404
Wool and wool products:
- Price support program....16, 23
- Top grade standards....2

Work incentive programs....1441
Workfare projects....78

Y

Young Adult Conservation Corps....146
Youth Conservation Corps....148
Youth programs....565